



COLORADO
Department of Public
Health & Environment

Dedicated to protecting and improving the health and environment of the people of Colorado

**CDPS GENERAL PERMIT COG604000
FOR DISCHARGES ASSOCIATED WITH HYDROSTATIC TESTING OF
PIPELINES, TANKS, AND SIMILAR VESSELS**

**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 hydrostatic testing of pipelines, storage tanks, and similar vessels that are determined to be of minimal impact are authorized to discharge from approved locations throughout the State of Colorado to groundwater and/or 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 the facility certification to discharge process generated wastewaters as of the date stated on the certification, 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 expires at midnight March 31, 2021.

Modified, Reissued and Signed this 29th day of April 2016.

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Janet Kieler, Permits Section Manager
Water Quality Control Division

**Modification 1 - Minor Modification: Issued April 29, 2016 Effective April 29, 2016
Originally Issued November 23, 2015, Effective April 1, 2016**

TABLE OF CONTENTS

PART I 4

A. COVERAGE UNDER THIS PERMIT 4

1. Activities Covered 4

2. Limitations on Coverage 4

3. Application Requirements 5

4. Terminating Coverage 5

5. Modifying Existing Permit Coverage 5

B. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS 6

1. Permitted Feature(s) and Limit Sets 6

2. Numeric Effluent Limitations, Monitoring Frequencies, and Sample Types 6

C. TERMS AND CONDITIONS 12

1. Control Plan 12

2. Practice Based Requirements 13

3. Application Supplement Requirements 13

4. Practices for Discharges in Exceedance of Applicable Water Quality Standards 13

5. Chemical Additions 14

6. Discharge Point 14

7. Discharges to Conveyances 14

8. Mixing Zone 14

9. Discharges to Waters with Total Maximum Daily Loads (TMDLs) 14

10. Discharges to 303(d) Listed Waters 15

11. Removed Substances 15

12. Compliance Schedule 15

D. DEFINITIONS OF TERMS 15

E. GENERAL MONITORING, SAMPLING AND REPORTING REQUIREMENTS 20

1. Routine Reporting of Data 20

2. Reporting for Permittees Granted Blanket Coverage 21

3. Representative Sampling 21

4. Analytical and Sampling Methods for Monitoring and Reporting 22

5. Records 23

6. Additional Monitoring by Permittee 23

7. Flow Measuring Device 23

8. Signatory and Certification Requirements 23

PART II 25

A. NOTIFICATION REQUIREMENTS 25

1. Notification to Parties 25

2. Change in Discharge or Wastewater Treatment 25

3. Special Notifications Definitions 26

4. Noncompliance Notification 26

5. Other Notification Requirements 27

6. Bypass Notification 27

7. Upsets 27

8. Discharge Point 28

9. Proper Operation and Maintenance 28

10. Minimization of Adverse Impact 28

11. Removed Substances 28

12. Submission of Incorrect or Incomplete Information 29

13. Bypass 29

14. Reduction, Loss, or Failure of Treatment Facility 29

B. RESPONSIBILITIES 30

1. Inspections and Right to Entry 30

2.	Duty to Provide Information	30
3.	Transfer of Ownership or Control	30
4.	Availability of Reports	31
5.	Modification, Suspension, Revocation, or Termination of Permits By the Division	31
6.	Oil and Hazardous Substance Liability	34
7.	State Laws	34
8.	Permit Violations	34
9.	Property Rights.....	34
10.	Severability	34
11.	Renewal Application	35
12.	Confidentiality	35
13.	Fees	35
14.	Duration of Permit.....	35
15.	Section 307 Toxics.....	35
16.	Effect of Permit Issuance.....	35

PART I

A. COVERAGE UNDER THIS PERMIT

1. Activities Covered

This permit authorizes the discharge of hydrostatic testing wastewater from testing of pipes, storage tanks, and similar vessels.

Discharges from both new and used vessels may be covered under this permit although different effluent limitations may apply based on materials previously stored in or transported by the vessels.

This permit only authorizes discharges for which the source water is from the specific source identified in the application, in subsequent notification(s) in accordance with Part II.A.2 and II.B.5 of the permit or, for permittees granted blanket coverage, the specific source identified in the Control Plan or discharge log in accordance with Part I.C.1.b.

This permit may cover:

- Intermittent discharges; or
- Continuous short-term discharges.

2. Limitations on Coverage

Discharges specifically excluded from coverage under this permit include:

- a. Discharges from testing, maintenance, flushing, or draining of fire suppression systems.
- b. Discharges associated with any flushing activity.
- c. Discharges from hydrostatic testing of used reclaimed water pipes, storage tanks, or similar vessels. This permit does not authorize hydrostatic testing activities performed using reclaimed water.
- d. Discharges of potable water from potable water distribution systems.
- e. Discharges that would meet any of the following conditions at the time of the effective date of the permit authorization are not eligible for coverage under this permit and are not subject to the authority of the division, or, where subject to the authority of the division, must apply for coverage under another general permit or under an individual permit:
 - i. The discharge(s) is to receiving waters designated as “outstanding waters.”
 - ii. Discharges solely to groundwater if such discharges are subject to direct regulation by the EPA or by implementing agencies under Section 25-8-202(7) of the Water Quality Control Act or Senate Bill 181. This exclusion does not apply to discharges to surface waters, including discharges to groundwater that are hydrologically connected to surface waters and for which the division determines that the requirements of Regulation 61 applicable to surface waters apply.
 - iii. Discharges from cleaning activities.
 - iv. Discharges containing solid animal or food waste, vegetative wastes (grass, leaves, manure, garbage, etc.), or any floating solids or visible foam other than in trace amounts.

3. Application Requirements

In order to apply for certification under this general permit, the applicant shall submit an application form, as provided by the division, by mail or hand delivery **at least 30 days before the anticipated date of discharge**. The application in its entirety shall be submitted to:

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

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

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

- a. Authorization for coverage under a reissued permit or a replacement of this permit following the timely and appropriate submittal of a complete application requesting authorization to discharge under the new permit and compliance with the requirements of the application;
- b. The issuance and effect of a termination issued by the division;
- c. The issuance or denial of an individual permit for the facility's discharges;
- d. A formal permit decision by the division not to reissue this general permit, at which time the division will identify a reasonable time period for covered dischargers to seek coverage under an alternative general permit or an individual permit. Coverage under this permit will cease when coverage under another permit is granted/authorized; or
- e. The division has informed the permittee that they are no longer covered under this permit.

4. Terminating Coverage

To terminate permit coverage, the legal permit applicant or duly authorized agent must submit a complete and accurate Notice of Termination Form, to the address listed in Part I.A.3. The authorization to discharge under this permit terminates at midnight of the day that the termination is effective as notified by the division. The permittee is responsible for meeting the terms of this permit until the authorization is terminated. The Notice of Termination must be signed in accordance with Part I.E.8 of this permit.

5. Modifying Existing Permit Coverage

To modify an existing permit certification, the legal permit contact or duly authorized agent must submit a complete and accurate Modification Form, to the address listed in Part I.A.3. This form must be submitted to the division at least 30 days prior to implementing any requested modifications that result in a discharge to state waters. The permittee is not authorized to discharge under the modified conditions until the modified certification is issued and effective. Modifications include but are not limited to: adding or removing external outfalls or other permitted features, adding new or additional chemicals to the treatment process or effluent, modifying treatment in a manner that would result in a new or altered discharge in terms of location or effluent quality, etc. The modification form must be signed in accordance with Part I.E.8 of this permit.

B. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. Permitted Feature(s) and Limit Sets

Beginning no earlier than the effective date listed on the permit certification and lasting through the expiration date of this permit, the permittee identified on the permit certification is authorized to discharge from the external outfall permitted feature(s) listed on the permit certification in accordance with the conditions and limitations of this permit.

In order to keep permit certifications, discharge monitoring reports, and administration manageable, the division is limiting the number of permitted features to thirty (30) per permit certification. If the applicant has reason to request more than thirty permitted features the division may grant more permitted features on a case-by-case basis.

An entity may be granted blanket coverage under this permit when activities involving multiple pipes, tanks, or similar vessels requiring greater than thirty permitted features will be performed over the length of the permit term, providing common permit terms and conditions are appropriate. If the applicant has reason to request blanket coverage for projects requiring less than thirty permitted feature locations the division may grant blanket coverage on a case-by-case basis. The certification will describe the physical boundaries authorized under the certification and any special conditions that may apply.

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

In accordance with the Water Quality Control Commission Regulations for Effluent Limitations, Section 62.4, and the Colorado Discharge Permit System Regulations, Section 61.8(2), 5.C.C.R. 1002-61, the permitted discharge shall not contain effluent parameter concentrations that exceed the limitations identified in Table B.2.a, B.2.b, B.2.c, B.2.d, or B.2.e below, as applicable to the permitted feature(s) specified in the permit certification. For parameters where the applicable note states that the analysis or monitoring will be included in the permit certification based on meeting specific conditions, limitations and monitoring requirements are only applicable if identified in the permit certification for the specified permitted feature.

The permittee must monitor the effluent for all listed parameters at the frequency and sample types specified in Table B.2.a, B.2.b, B.2.c, B.2.d, or B.2.e below, as applicable to the permitted feature(s).

All required monitoring will begin immediately and last for the life of the permit unless otherwise noted. The results of such monitoring must be reported on the Discharge Monitoring Report (DMR) form (See Part I.E.1).

Table B.2.a, Numeric effluent limitations and monitoring requirements for discharges from hydrostatic testing of *new* pipes, tanks or similar vessels to *surface water* (NS).

ICIS Code	Parameter	Note (below)	Discharge Limitations			Monitoring Conditions		Practical Quantitation Limit (PQL)	Applicable Water Quality Criterion (AWQC)
			30-Day Average	7-Day Average	Daily Maximum	Monitoring Frequency	Sample Type		
50050	Flow, MGD	1	---	---	Limit in Certification	2X/discharge*	Estimate	---	---
51500	Flow, Total, MG	1	Report Monthly Total	---	---	Instantaneous or Continuous	Calculated	---	---
81381	Duration of Discharge, days	2	Report Monthly Total	---	---	1X/discharge	Calculated	---	---
00530	Total Suspended Solids, mg/l	---	30	45	---	2X/discharge*	Grab	5 mg/l	30 mg/l
84066	Oil and Grease	3	---	---	---	2X/discharge*	Visual	---	---
03582	Oil and Grease, mg/l	3	---	---	10	Contingent	Grab	---	10 mg/l
00400	pH, s.u.	---	---	---	6.5- 9.0	2X/discharge*	Grab	---	---
Site Specific Limitations									
51040	<i>E. coli</i> bacteria, per 100 ml	5	Limit in Certification	Limit in Certification	---	2X/discharge*	Grab	---	AWQC in Certification
	Other Pollutants, units (Metals, Organics, Inorganics, and Radioactive parameters)	6	Report	---	Report	2X/discharge*	Grab	PQL in Certification	AWQC in Certification
	Other Pollutants, units (Metals, Organics, Inorganics, and Radioactive parameters)	6	Limit in Certification	---	Limit in Certification	2X/discharge*	Grab	PQL in Certification	AWQC in Certification
50060	Total Residual Chlorine (TRC), mg/l	7	0.011	---	0.019	2X/discharge*	Grab	0.5 mg/l	0.011 mg/l
00980	Iron (Total Recoverable), µg/l	8	1,000	---	---	2X/discharge*	Grab	20 µg/l	1,000 µg/l
01046	Iron (Dissolved), µg/l	9	Limit in Certification	---	---	2X/discharge*	Grab	20 µg/l	AWQC in Certification
00665	Phosphorus (Total), mg/l, as P	10	Report	---	Report	2X/discharge*	Grab	0.05 mg/l P	AWQC in Certification
00665	Phosphorus (Total), mg/l, as P	10	Limit in Certification	---	Report	2X/discharge*	Grab	0.05 mg/l P	AWQC in Certification

Footnotes follow Table B.2.e.

Table B.2.b, Numeric effluent limitations and monitoring requirements for discharges from hydrostatic testing of *new* pipes, tanks or similar vessels to *groundwater* (NG).

ICIS Code	Parameter	Note (below)	Discharge Limitations			Monitoring Conditions		Practical Quantitation Limit (PQL)	Applicable Water Quality Criterion (AWQC)
			30-Day Average	7-Day Average	Daily Maximum	Monitoring Frequency	Sample Type		
50050	Flow, MGD	1	---	---	Limit in Certification	2X/discharge*	Estimate	---	---
51500	Flow, Total, MG	1	Report Monthly Total	---	---	Instantaneous or Continuous	Calculated	---	---
81381	Duration of Discharge, days	2	Report Monthly Total	---	---	1X/discharge	Calculated	---	---
84066	Oil and Grease	3	---	---	---	2X/discharge*	Visual	---	---
03582	Oil and Grease, mg/l	3	---	---	10	Contingent	Grab	---	10 mg/l
00400	pH, s.u.	---	---	---	6.5 - 8.5	2X/discharge*	Grab	---	---
70295	Total Dissolved Solids, mg/l	4	---	---	400	2X/discharge*	Grab	10 mg/l	400 mg/l
Site Specific Limitations									
74056	Total Coliforms, per 100 ml	5	2.2	---	23	2X/discharge*	Grab	---	AWQC in Certification
	Other Pollutants, units (Metals, Organics, Inorganics, and Radioactive parameters)	6	Report	---	Report	2X/discharge*	Grab	PQL in Certification	AWQC in Certification
	Other Pollutants, units (Metals, Organics, Inorganics, and Radioactive parameters)	6	Limit in Certification	---	Limit in Certification	2X/discharge*	Grab	PQL in Certification	AWQC in Certification
01046	Iron (Dissolved), µg/l	9	300	---	---	2X/discharge*	Grab	20 µg/l	300
00665	Phosphorus (Total), mg/l, as P	10	Report	---	Report	2X/discharge*	Grab	0.05 mg/l P	AWQC in Certification
00665	Phosphorus (Total), mg/l, as P	10	Limit in Certification	---	Report	2X/discharge*	Grab	0.05 mg/l P	AWQC in Certification

Footnotes follow Table B.2.e.

Table B.2.c, Numeric effluent limitations and monitoring requirements for discharges from hydrostatic testing of *used* pipes, tanks or similar vessels to *surface water* (US).

ICIS Code	Parameter	Note (below)	Discharge Limitations			Monitoring Conditions		Practical Quantitation Limit (PQL)	Applicable Water Quality Criterion (AWQC)
			30-Day Average	7-Day Average	Daily Maximum	Monitoring Frequency	Sample Type		
50050	Flow, MGD	1	---	---	Limit in Certification	2X/discharge*	Estimate	---	---
51500	Flow, Total, MG	1	Report Monthly Total	---	---	Instantaneous or Continuous	Calculated	---	---
81381	Duration of Discharge, days	2	Report Monthly Total	---	---	1X/discharge	Calculated	---	---
00530	Total Suspended Solids, mg/l	---	30	45	---	2X/discharge*	Grab	5 mg/l	30 mg/l
84066	Oil and Grease	3	---	---	---	2X/discharge*	Visual	---	---
03582	Oil and Grease, mg/l	3	---	---	10	Contingent	Grab	---	10 mg/l
00400	pH, s.u.	---	---	---	6.5 - 9.0	2X/discharge*	Grab	---	---
Site Specific Limitations									
51040	<i>E. coli</i> bacteria, per 100 ml	5	Limit in Certification	Limit in Certification	---	2X/discharge*	Grab	---	AWQC in Certification
	Other Pollutants, units (Metals, Organics, Inorganics, and Radioactive parameters)	6	Report	---	Report	2X/discharge*	Grab	PQL in Certification	AWQC in Certification
	Other Pollutants, units (Metals, Organics, Inorganics, and Radioactive parameters)	6	Limit in Certification	---	Limit in Certification	2X/discharge*	Grab	PQL in Certification	AWQC in Certification
50060	Total Residual Chlorine, mg/l	7	0.011	---	0.019	2X/discharge*	Grab	0.5 mg/l	0.011 mg/l
00980	Iron (Total Recoverable), µg/l	8	1,000	---	---	2X/discharge*	Grab	20 µg/l	1,000 µg/l
01046	Iron (Dissolved), µg/l	9	Limit in Certification	---	---	2X/discharge*	Grab	20 µg/l	AWQC in Certification
00665	Phosphorus (Total), mg/l, as P	10	Report	---	Report	2X/discharge*	Grab	0.05 mg/l P	AWQC in Certification
00665	Phosphorus (Total), mg/l, as P	10	Limit in Certification	---	Report	2X/discharge*	Grab	0.05 mg/l P	AWQC in Certification
34030	Benzene, µg/l	11	2.2	---	5	2X/discharge*	Grab	3 µg/l	2.2 µg/l
49491	BTEX, µg/l	11	---	---	100	2X/discharge*	Grab	60 µg/l	100 µg/l

Footnotes follow Table B.2.e.

Table B.2.d, Numeric effluent limitations and monitoring requirements for discharges from hydrostatic testing of *used* pipes, tanks or similar vessels to *groundwater* (UG).

ICIS Code	Parameter	Note (below)	Discharge Limitations			Monitoring Conditions		Practical Quantitation Limit (PQL)	Applicable Water Quality Criterion (AWQC)
			30-Day Average	7-Day Average	Daily Maximum	Monitoring Frequency	Sample Type		
50050	Flow, MGD	1	---	---	Limit in Certification	2X/discharge*	Estimate	---	---
51500	Flow, Total, MG	1	Report Monthly Total	---	---	Instantaneous or Continuous	Calculated	---	---
81381	Duration of Discharge, days	2	Report Monthly Total	---	---	1X/discharge	Calculated	---	---
84066	Oil and Grease	3	---	---	---	2X/discharge*	Visual	---	---
03582	Oil and Grease, mg/l	3	---	---	10	Contingent	Grab	---	10 mg/l
00400	pH, s.u.	---	---	---	6.5 - 8.5	2X/discharge*	Grab	---	---
70295	Total Dissolved Solids, mg/l	4	---	---	400	2X/discharge*	Grab	10 mg/l	400 mg/l
Site Specific Limitations									
74056	Total Coliforms, per 100 ml	5	2.2	---	23	2X/discharge*	Grab	---	AWQC in Certification
	Other Pollutants, units (Metals, Organics, Inorganics, and Radioactive parameters)	6	Report	---	Report	2X/discharge*	Grab	PQL in Certification	AWQC in Certification
	Other Pollutants, units (Metals, Organics, Inorganics, and Radioactive parameters)	6	Limit in Certification	---	Limit in Certification	2X/discharge*	Grab	PQL in Certification	AWQC in Certification
01046	Iron (Dissolved), µg/l	9	300	---	---	2X/discharge*	Grab	20 µg/l	300
00665	Phosphorus (Total), mg/l, as P	10	Report	---	Report	2X/discharge*	Grab	0.05 mg/l P	AWQC in Certification
00665	Phosphorus (Total), mg/l, as P	10	Limit in Certification	---	Report	2X/discharge*	Grab	0.05 mg/l P	AWQC in Certification
34030	Benzene, µg/l	11	---	---	5	2X/discharge*	Grab	3 µg/l	5 µg/l
49491	BTEX, µg/l	11	---	---	100	2X/discharge*	Grab	60 µg/l	100 µg/l

Footnotes follow Table B.2.e.

Table B.2.e, Numeric effluent limitations and monitoring requirements for discharges from hydrostatic testing of new or used pipes, tanks or similar vessels to the Colorado River Basin (CR).

ICIS Code	Parameter	Note (below)	Discharge Limitations		Monitoring Conditions		Practical Quantitation Limit (PQL)	Applicable Water Quality Criterion (AWQC)
			Quarterly Average	Quarterly Total	Monitoring Frequency	Sample Type		
Site Specific Limitations								
70295	Total Dissolved Solids, mg/l	12	Report	---	Quarterly	Grab	10 mg/l	AWQC in Certification

Footnotes:

* The samples collected must be representative of the nature of the entire discharge. The permittee shall determine when during the discharge samples should be collected in order to ensure samples are representative of the nature of the entire discharge. The permittee may collect additional samples, as needed, to ensure monitoring is representative of the discharge.

¹ Flow Limit and Total Flow Reporting—The acute flow limit will be equal to the maximum flow rate provided in the permit application and will be stated on the certification. The permittee shall report total monthly flow. The method for measuring flow rate authorizes estimates as indicated in Part I.E.7.

² Duration of Discharge—The permittee shall report the duration of the discharge in total days per month.

³ Oil and Grease—A visual observation of the discharge for each permitted feature must be made 2X/discharge. In the event an oil sheen or floating oil is observed, a grab sample shall be collected, analyzed, and reported on the DMR. In addition, corrective action shall be taken immediately to mitigate the discharge of oil and grease. A description of the corrective action taken must be included with the DMR.

⁴ Total Dissolved Solids (TDS) (for groundwater permitted features)—Analysis for salinity, measured as TDS, will be added to the permit certification for all discharges to groundwater.

⁵ E. coli and Total Coliforms—Analysis and limitations for *E. coli* and Total Coliforms will be included in the permit certification for discharges from hydrostatic testing operations involving replacement, repair, or installation of sanitary sewer lines where the division has made a qualitative reasonable potential determination that *E. coli* or Total Coliforms may be present in the discharge. An *E. coli* effluent limitation will be applied to discharges to surface water when there is an applicable water quality standard assigned to the receiving stream and when the division has made a qualitative reasonable potential determination that *E. coli* may be present in the discharge. The *E. coli* effluent limitation will be applied as a geometric mean based on the Recreational Class of the receiving water (Class E at 126 per 100 ml, Class P at 205 per 100 ml, and Class N at 630 per 100 ml). The Total Coliforms effluent limitations will be applied for discharges to groundwater.

⁶ Other Pollutants (Metal, Organics, Inorganics, and Radioactive parameters)—Site-specific limitations 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) for additional parameters, will be added on a case-by-case basis and will be specified in the certification. Additional parameters may be added to the permit certification when there is an applicable water quality standard assigned to the receiving stream and when the division has made a qualitative reasonable potential determination that pollutants may be present in the discharge based on the activity.

⁷ Total Residual Chlorine (TRC)—Analysis and limitations for TRC will be added to the permit certification for discharges to surface water when there is an applicable water quality standard assigned to the receiving

stream and when the division has made a reasonable potential determination that chlorine may be present in the discharge.

⁸ Total Recoverable Iron—Analysis and limitations for Total Recoverable Iron will be added to the permit certification when there is an applicable water quality standard assigned to the receiving stream and when the division has made a qualitative reasonable potential determination that iron may be present in the discharge.

⁹ Dissolved Iron—Analysis and limitations for Dissolved Iron will be added to the permit certification when there is an applicable water quality standard assigned to the receiving stream and when the division has made a qualitative reasonable potential determination that iron may be present in the discharge. For discharges to surface water, the iron limit will be either: 1) a site-specific standard adopted by the Water Quality Control Commission; 2) existing quality as of January 1, 2000; or 3) 300 µg/l (dissolved).

¹⁰ Total Phosphorus—Analysis for Total Phosphorus, as P, will be included in the permit certification for all discharges to waters with a control regulation for Phosphorus and effluent limitations may be added. In accordance with the Dillon Reservoir Control Regulation (Regulation 71), monitoring for Total Phosphorus is required. In accordance with the Cherry Creek Reservoir Control Regulation (Regulation 72), monitoring and compliance with the Total Phosphorus chronic numeric effluent limit of 0.05 mg/l is required. In accordance with the Chatfield Reservoir Control Regulation (Regulation 73), monitoring and compliance with the Total Phosphorus chronic numeric effluent limit of 1.0 mg/l is required. In accordance with the Bear Creek Watershed Control Regulation (Regulation 74) monitoring for Total Phosphorus is required.

¹¹ Benzene and total BTEX—Analysis and limitations for Benzene and total BTEX (Benzene, Toluene, Ethylbenzene, and Xylenes) will be included in the permit certification for discharges from testing of used gas or petroleum equipment where the division has made a qualitative reasonable potential determination that BTEX may be in the discharge.

¹² Discharges to the Colorado River Basin—Quarterly monitoring and quarterly average reporting for salinity, measured as Total Dissolved Solids (TDS), will be included in the permit certification for all discharges to the Colorado River Basin.

C. TERMS AND CONDITIONS

1. Control Plan

The permittee shall maintain a Control Plan for each type of permitted activity [i.e. discharges from new equipment to surface water (NS), discharges from used equipment to surface water (US), discharges from new equipment to groundwater (NG), and discharges from used equipment to groundwater (UG)] and shall document the required information for each type of activity. The permittee shall update the plan(s) as needed when changes are made.

- a. The Control Plan(s) for all permittees shall include the following items, at a minimum:
 - i. **Control Measures** - The Control Plan(s) shall document the specific control measures (BMPs) selected to provide consistent compliance with the permit conditions and shall document the implementation of those control measures. Documentation may include, but is not limited to: descriptions of control measure installation and implementation specifications; description of control measure technique used and its intended purpose; treatment design capacity information including residence time and maximum flow rate that will maintain compliance with the permit effluent limits; drawings and sketches; etc. Control measures shall be implemented to prevent discharges that contain effluent parameter concentrations which exceed the permit effluent limits. If the permittee has determined that no control measures are necessary to maintain consistent compliance

with the permit effluent limits, the permittee's determination that no control measures will be provided must be documented.

- ii. **Spill Prevention, Response, and Reporting** - The Control Plan(s) shall describe specific measures and the implementation of those measures used by the permittee for spill prevention and response. The identified measures shall be implemented to minimize releases not authorized by this permit. The permittee shall implement control measures as necessary to contain spills and prevent releases of spilled materials to waters of the state. Spill reporting shall be performed in accordance with the division's Guidance for Reporting Spills under the Colorado Water Quality Control Act and Colorado Discharge Permits (WQE-10).

The Control Plan(s) shall be provided to the division upon request. The Control Plan(s) shall be maintained and implemented until expiration or inactivation of permit coverage. 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.

- b. Permittees granted blanket coverage shall document the following additional items either in the Control Plan(s) or in a discharge log:
 - i. Identification of the source of the water used in the activity;
 - ii. Latitude and longitude of the discharge point;
 - iii. Identification of the receiving stream (including names of irrigation ditches, intermittent streams, dry drainage, and groundwater);
 - iv. The method used to measure flow, in accordance with Part I.E.7.

The Control Plan or discharge log shall be updated prior to discharge.

The discharge log shall be provided to the division upon request. The permittee shall retain the discharge log for the duration of permit coverage or a minimum of three (3) years (whichever is greater). 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.

2. **Practice Based Requirements**

Pollutant Control Practices: The permittee shall implement pollutant control practices to meet the effluent limitations contained in this permit. The pollutant control practices must be selected, designed, installed, implemented and maintained in accordance with good engineering, hydrologic, pollution control practices, and the manufacturer's specifications including installation and implementation specifications, where applicable. Practices may include treatment, schedules of activities, prohibitions of practices, maintenance procedures, monitoring practices used to document the capability of the treatment practices to remove pollutants, handling and disposal practices, and other management practices necessary to meet the effluent limitations contained in this permit.

3. **Application Supplement Requirements**

The permit applicant shall supply any information as determined by the division to be necessary to properly characterize the nature of the discharge. Such information may include, but is not limited to, analytical data for the source water to be used in the activity, additional information regarding the equipment being tested, additional information and/or analysis of the material(s) stored and/or transported in the equipment previous to the activity generating the proposed discharge, etc.

4. **Practices for Discharges in Exceedance of Applicable Water Quality Standards**

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

- a. Halt or reduce any activity if necessary to prevent the discharge of an effluent parameter(s), at the external outfall permitted feature, in concentrations which exceed the applicable water quality standards for the receiving water; and
- b. Mail a written report to the division containing all relevant monitoring data and the information consistent with that required for noncompliance in Part II.A.4 (a) within five (5) days after becoming aware of the exceedance.

Coverage under this general permit may be modified, suspended, or terminated by the division if necessary to effectively implement protection of waters of the State. If the division finds that such new or altered discharge might be inconsistent with the conditions of the permit, the division shall require a new or revised permit application, or require coverage under an individual permit or alternative general permit, and shall follow the procedures specified in Sections 61.5 through 61.6, and 61.15 of the Colorado Discharge Permit System Regulations.

5. Chemical Additions

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

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

6. Discharge Point

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

7. Discharges to Conveyances

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

8. Mixing Zone

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

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

Discharges to State waters for which an approved or established TMDL has been developed may be authorized provided there are sufficient remaining waste load allocations in the approved or established TMDL. If sufficient remaining waste load allocations are not available, coverage under an Individual permit may be required. If additional effluent limitations or other terms and conditions not included in this permit are required for discharges to segments for which a TMDL has been completed, the discharge cannot be covered under this general permit and must apply for coverage under another general permit or under an individual permit. Factors that will be taken into consideration when making this determination include the plausibility that the pollutant for which the TMDL was developed will be in the discharge, and duration and frequency of the discharge.

10. Discharges to 303(d) Listed Waters

Sampling, monitoring and compliance with numeric effluent limitations may be required for discharges to 303(d) listed waters that are impaired for a specified pollutant(s), and that pollutant has the potential to be in the process wastewater discharge. If additional effluent limitations or other terms and conditions not included in this permit are required for discharges to 303(d), the discharge cannot be covered under this general permit and must apply for coverage under another general permit or under an individual permit. Factors that will be taken into consideration when making this determination include the plausibility that the pollutant listed on the 303(d) list will be in the discharge, and duration and frequency of the discharge.

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. Control measures shall be implemented to prevent any sediment or other pollutants deposited during land application from being transported by stormwater runoff to surface waters or other conveyances.

12. Compliance Schedule

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

D. DEFINITIONS OF TERMS

1. **“Applicable water quality criterion (AWQC)”** is the quantitation target level or goal. The AWQC may be one of the following:

Where an effluent limit has been established,

- i. The AWQC is the effluent limit.

Where an effluent limit has not been established, the AWQC may be

- i. An applicable technology based effluent limit (TBEL);
- ii. Half of a water quality standard;
- iii. Half of a water quality standard as assessed in the receiving water, or potential WQBEL; or
- iv. Half of a potential antidegradation based effluent limitation, which can be an antidegradation based average concentration or a potential non-impact limit.

2. **“Background Level”** is the level of any parameter in the groundwater within a specified area as determined by representative measurements of the groundwater quality unaffected by the activity.

3. **“Blanket Coverage”** means authorization of activities involving multiple pipes, tanks, or similar vessels within a specified geographic area provided that common permit terms and conditions are appropriate and provided that the division grants such authorization in the permit certification.
4. **“BTEX”** shall be measured as the sum of benzene, ethylbenzene, toluene and xylenes. EPA methods 502, 602, 624, 1624, 8020, 8240, or 8260 shall be used for the measurement of total benzene, ethylbenzene, toluene, and xylenes including ortho-, meta-, and para-xylene.
5. **“Construction Activities”** refers to ground surface disturbing activities, which include, but are not limited to, clearing, grading, excavation, demolition, installation of new or improved haul roads and access roads, staging areas, stockpiling of fill materials, and borrow areas.
6. **“Continuous”** measurement is a measurement obtained from an automatic recording device which continually measures provides measurements.
7. **“Daily Maximum Limitation”** for all parameters except temperature, means the limitation for this parameter shall be applied as an instantaneous maximum (or, for pH or DO, instantaneous minimum) value. The instantaneous value is defined as the analytical result of any individual sample. DMRs shall include the maximum (and/or minimum) of all instantaneous values within the calendar month. Any instantaneous value beyond the noted daily maximum limitation for the indicated parameter shall be considered a violation of this permit.
8. **“Daily Maximum Temperature (DM)”** is defined in the Basic Standards and Methodologies for Surface Water 1002-31, as the highest two-hour average water temperature recorded during a given 24-hour period. This will be determined using a rolling 2-hour maximum temperature. If data is collected every 15 minutes, a 2-hour maximum can be determined on every data point after the initial 2 hours of collection. Note that the time periods that overlap days (Wednesday night to Thursday morning) do not matter as the reported value on the DMR is the greatest of all the 2-hour averages.

For example, data points collected at:

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

08:30, 08:45, 09:00, 09:15, 09:30, 09:45, 10:00, 10:15, would be averaged for a single 2-hour average data point

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

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

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

9. **“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.
10. **“Geometric mean”** for *E. coli* bacteria concentrations, the thirty (30) day and seven (7) day averages shall be determined as the geometric mean of all samples collected in a thirty (30) day period and the

geometric mean of all samples taken in a seven (7) consecutive day period respectively. The geometric mean may be calculated using two different methods. For the methods shown, a, b, c, d, etc. are individual sample results, and n is the total number of samples.

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

Method 2: Geometric Mean = antilog $([\log(a)+\log(b)+\log(c)+\log(d)+...]/n)$

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

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

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

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

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

11. **"Good Engineering, Hydrologic and Pollution Control Practices"** means methods, procedures, and practices that a) are based on basic scientific fact(s); b) reflect best industry practices and standards; c) are appropriate for the conditions and pollutant sources; and d) provide appropriate solutions to meet the associated permit requirements, including all effluent limitations.
12. **"Grab"** sample, is a single "dip and take" sample so as to be representative of the parameter being monitored.
13. **"Groundwater"** means any water not visible on the surface of the ground under natural conditions.
14. **"Hydrostatic Test Water"** means water placed in pipelines, tanks, or similar vessels and raised to greater than atmospheric pressure in order to check for leaks and/or the structural integrity of these facilities. For the purposes of this permit, hydrostatic test water also includes water placed in pipelines, tanks, or similar vessels to test for leaks without raising pressure to above atmospheric pressure.

15. **“In-situ”** measurement is defined as a single reading, observation or measurement taken in the field at the point of discharge.
16. **“Instantaneous”** measurement is a single reading, observation, or measurement performed on site using existing monitoring facilities.
17. To be considered an **“Intermittent Discharge”** one of the following must apply:
 - i. The maximum discharge frequency is less than 3 consecutive days (72 hours), and less than 3 days per 7 day period, and less than 10 days total per month;
 - ii. The maximum discharge frequency is less than 5 consecutive days (120 hours) and less than 5 total days per month;
 - iii. It can be shown that discharge frequency and duration is tied solely to precipitation events, where the discharge starts and stops shortly after the precipitation event starts/stops.
18. **“Maximum Weekly Average Temperature (MWAT)”** is defined in the Basic Standards and Methodologies for Surface Water 1002-31, as an implementation statistic that is calculated from field monitoring data. The MWAT is calculated as the largest mathematical mean of multiple, equally spaced, daily temperatures over a seven-day consecutive period, with a minimum of three data points spaced equally through the day. For lakes and reservoirs, the MWAT is assumed to be equivalent to the maximum WAT from at least three profiles distributed throughout the growing season (generally July-September).

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

Day 1: Average of all temperature data collected during the calendar day.

Day 2: Average of all temperature data collected during the calendar day.

Day 3: Average of all temperature data collected during the calendar day.

Day 4: Average of all temperature data collected during the calendar day.

Day 5: Average of all temperature data collected during the calendar day.

Day 6: Average of all temperature data collected during the calendar day.

Day 7: Average of all temperature data collected during the calendar day.

1st MWAT Calculation as average of previous 7 days

Day 8: Average of all temperature data collected during the calendar day.

2nd MWAT Calculation as average of previous 7 days

Day 9: Average of all temperature data collected during the calendar day.

3rd MWAT Calculation as average of previous 7 days

19. **“Minimum level (ML)”** means the lowest concentration of an analyte that can be accurately and precisely quantified using a given method, as determined by the laboratory.
20. **“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.

21. **“Practical Quantification Limit (PQL)”** means the minimum concentration of an analyte (substance) that can be measured with a high degree of confidence that the analyte is present at or above that concentration.
22. **“Quarterly measurement frequency”** means samples may be collected at any time during the calendar quarter if a continual discharge occurs. If the discharge is intermittent, then samples shall be collected anytime during the quarter that the discharge occurs. Calendar quarters are defined as January-March, April-June, July- September, and October-December.
23. **“Reclaimed Water”** means domestic wastewater that has received secondary treatment by a domestic wastewater treatment works and such additional treatment as to enable the wastewater to meet the standards for approved uses in accordance with Reclaimed Water Control Regulation 84.
24. **“Recorder”** requires the continuous operation of a chart and/or totalizer (or drinking water rotor meters or pump hour meters where previously approved).
25. **“Representative”** means that a sample, or group of samples, accurately reflects the concentration of pollutants of concern in the discharge.
26. **“Seven (7) day average”** means, with the exception of fecal coliform or *E. coli* bacteria (see geometric mean), the arithmetic mean of all samples collected in a seven (7) consecutive day period. Such seven (7) day averages shall be calculated for all calendar weeks, which are defined as beginning on Sunday and ending on Saturday. If the calendar week overlaps two months (i.e. the Sunday is in one month and the Saturday in the following month), the seven (7) day average calculated for that calendar week shall be associated with the month that contains the Saturday. Samples may not be used for more than one (1) reporting period. (See the **“Analytical and Sampling Methods for Monitoring and Reporting Section in Part I.E.3 for guidance on calculating averages and reporting analytical results that are less than the PQL**).
27. To be considered a **“Short-term Discharge”** the duration of each discharge event must be less than 2 years.
28. **“Sludge”** means any solid or semi-solid waste generated by a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility.
29. **“State Waters”** means any and all surface or subsurface waters (groundwater) which are contained in or flow in or through this state, but does not include waters in sewage systems, waters in treatment works of disposal systems waters in potable water distribution systems, and all water withdrawn for use until use and treatment have been completed.
30. **“Stormwater”** means precipitation induced stormwater runoff, snow melt runoff, and surface runoff and drainage.
31. **“Sufficiently sensitive test procedures”**:
 - i. An analytical method is “sufficiently sensitive” when the method detects and accurately and precisely quantifies the amount of the analyte. In other words there is a valid positive result; or
 - ii. An analytical method is “sufficiently sensitive” when the method accurately and precisely quantifies the result to the AWQC, as demonstrated by the ML is less than or equal to the AWQC. In other words, the level of precision is adequate to inform decision making; or

- iii. An analytical method is “sufficiently sensitive” when the method achieves the required level of accuracy and precision, as demonstrated by the ML is less than or equal to the PQL. In other words, the most sensitive method is being used and properly followed.
32. “**Surface Water**” means all surface waters that meet the definition of “State Waters” but does not meet the definition of “stormwater runoff.”
 33. “**Thirty (30) day average**” means, except for fecal coliform or *E. coli* bacteria (see geometric mean), the arithmetic mean of all samples collected during a thirty (30) consecutive-day period. The permittee shall report the appropriate mean of all self-monitoring sample data collected during the calendar month on the Discharge Monitoring Reports. Samples shall not be used for more than one (1) reporting period. (See the “Analytical and Sampling Methods for Monitoring and Reporting Section in Part I.E.3 for guidance on calculating averages and reporting analytical results that are less than the PQL).
 34. “**Total Metals**” means the concentration of metals determined on an unfiltered sample following vigorous digestion (Section 4.1.3), or the sum of the concentrations of metals in both the dissolved and suspended fractions, as described in Manual of Methods for Chemical Analysis of Water and Wastes, U.S. Environmental Protection Agency, March 1979, or its equivalent.
 35. “**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.
 36. “**Visual**” observation is observing the discharge to check for the presence of a visible sheen or floating oil.
 37. “**Water Quality Control Division**” or “**division**” means the state Water Quality Control Division as established in 25-8-101 et al.)
 38. “**Weekly measurement frequency**” means samples may be collected at any time during the week as defined as beginning on Sunday and ending on Saturday. If the discharge is intermittent, a sample must be collected for each week (as defined above) that the discharge occurs. A minimum of one sample must be collected for discharges lasting less than one week. For example, if an intermittent discharge begins on Wednesday, February 2nd and ends on Friday, February 4th, one sample must be collected on the 2nd, 3rd, or 4th. If the discharge resumes on Sunday, February 13 and is intermittent through Monday, February 14th an additional sample must be collected on the 13th or 14th.

E. GENERAL MONITORING, SAMPLING AND REPORTING REQUIREMENTS

1. Routine Reporting of Data

Reporting of data gathered in compliance with Part I.B.2 shall be on a **monthly** basis, with the exception of data collected for limit set CR (Table B.2.e, Numeric effluent limitations and monitoring requirements for discharges from hydrostatic testing of *new* or *used* pipes, tanks or similar vessels to the *Colorado River Basin*) which shall be reported on a separate DMR on a **quarterly** basis. Reporting of all data gathered shall comply with the requirements of Part I.E. (General Requirements). Monitoring results shall be summarized for each calendar month and reported on division approved discharge monitoring report (DMR) forms (EPA form 3320-1).

The permittee must submit these forms either by mail, or by using the division’s Net-DMR services (when available). DMRs **must be** received by the division no later than the 28th day of the month

following the monitoring period (for example, the DMR for discharges occurring in January must be received by the division by February 28). For data collected for limit set CR, DMRs must be received by the division no later than the 28th day of the month following the reporting period, which is the calendar quarter (for example, the DMR for discharges occurring in January through March must be received by the division by April 28). If no discharge occurs during the reporting period, "No Discharge" shall be reported on the DMR.

If being mailed, the original signed copy of each discharge monitoring report (DMR) shall be submitted to the division at the following address:

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

The Discharge Monitoring Report forms shall be filled out accurately and completely in accordance with requirements of this permit and the instructions on the forms. They shall be signed by an authorized person as identified in Part I.E.8.

2. Reporting for Permittees Granted Blanket Coverage

If the permittee is granted blanket coverage, the certification will document the physical boundaries of the blanket coverage authorization. Discharges shall be reported for the appropriate permitted feature and associated limit sets based on the nature of the activity (discharge to surface or groundwater, activity involving new or used equipment) as indicated in the permit certification. The number of permitted features in the permit certification will be based on the maximum number of discharges anticipated for a given month for each type of activity (discharge to surface/groundwater, activity involving new/used equipment). DMRs will be provided to the permittee for each of the numbered permitted features identified in the permit certification.

A permitted feature may only be used at one physical location per month. A permitted feature may be used at a different physical location the next month as long as the discharge location is within the physical boundaries authorized by the certification. The latitude and longitude associated with the physical location where the discharge occurred (permitted feature) shall be reported in the comments section of the DMR for that month. The latitude and longitude shall be reported in decimal degrees, and shall be reported to 6 decimal places. As discharges from distinct physical locations occur chronologically each month, the data collected for the sampling event(s) shall be reported beginning with the lowest numbered permitted feature for the corresponding limit set (see the fact sheet for an example). Subsequent discharges from distinct physical locations for that limit set during that month shall be reported using the other permitted features for that limit set in ascending numerical order. If the permittee needs additional numbered permitted features for a given limit set, the permittee shall request a permit modification prior to commencing discharge from the additional physical location(s).

For each permitted feature where no discharge occurs in a given month, the permittee shall mark 'No Discharge' on the DMR forms.

Permittees granted blanket coverage shall maintain discharge records of the information as indicated in Part I.C.1.b.

3. Representative Sampling

Discharge points shall be designed or modified so that a sample of the effluent can be obtained at a point after the final treatment process and prior to discharge to state waters. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the permitted features specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water, or substance. Permitted features shall not be changed without notification to and approval by the division (with the exception of permitted features authorized under the blanket coverage option where physical discharge locations and therefore monitoring locations may be changed from one month to the next). The permittee shall provide access to the division to sample the discharge at these points.

4. Analytical and Sampling Methods for Monitoring and Reporting

The permittee shall install, calibrate, use and maintain monitoring methods and equipment, including biological and indicated pollutant monitoring methods. All sampling shall be performed by the permittee according to specified methods in 40 C.F.R. Part 136; methods approved by EPA pursuant to 40 C.F.R. Part 136; or methods approved by the division in the absence of a method specified in or approved pursuant to 40 C.F.R. Part 136.

The permittee may use an equivalent and acceptable alternative to an EPA-approved method without EPA review where the requirements of 40 CFR Part 136.6 are met and documented. The permittee may use an Alternative Test Procedure (ATP). An ATP is defined as a way in which an analyte is identified and quantified that is reviewed and approved by EPA in accordance with 40 CFR Part 136.4 for nationwide use, or a modification to a 40 CFR 136 approved method that is reviewed and approved by EPA in accordance with 40 CFR Part 136.5 for limited use.

- a. The permittee must select a test procedure that is “sufficiently sensitive” for all monitoring conducted in accordance with this permit.
- b. The PQLs for specific parameters are listed in tables B.2.a, B.2.b, B.2.c, B.2.d, and B.2.e. If a parameter is included in a certification for which there is no PQL listed in one of the tables, a PQL will be included in the certification.
- c. If the permit contains an interim effluent limitation (a limit is report until such time as a numeric effluent limit becomes effective) for a parameter, the final numeric effluent limit shall be considered the AWQC for the purpose of determining whether a test method is sufficiently sensitive.
- d. When the analytical method which complies with the above requirements has an ML greater than the permit limit, and the permittee’s analytical result is less than the ML, the permittee shall report “BDL” on the DMR. Such reports will not be considered as violations of the permit limit, as long as the method is sufficiently sensitive. For parameters that have a report only limitation, and the permittee’s analytical result is less than the ML, (where X = the ML) “< X” shall be reported on the DMR.
- e. In the calculation of average concentrations (i.e. 7- day average, 30-day average, and 2-year rolling average) any individual analytical result that is less than the ML shall be considered to be zero for the calculation purposes. When reporting:

If all individual analytical results are less than the ML, the permittee shall report either “BDL” or “<X” (where X = the ML), following the guidance above.

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

5. **Records**

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

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

The permittee shall retain for the duration of permit coverage or a minimum of three (3) years (whichever is greater) records of all monitoring information, including all original strip chart recordings for continuous monitoring instrumentation, all calibration and maintenance records, laboratory data sheets, copies of all reports required by this permit and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the permittee or when requested by the division or EPA. These records must be retained at the facility during active treatment. Once active treatment is complete, the records shall be maintained and made available at the request of the division.

6. **Additional Monitoring by Permittee**

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

7. **Flow Measuring Device**

Flow rate can be measured or determined from estimates based on volume of fill water, dimension of the pipeline, capacity of the pump, or other method documented in accordance with Part I.C.1.b (for permittees granted blanket coverage). At the request of the division, the permittee shall show proof of the accuracy of any flow-measuring method used in obtaining data submitted in the monitoring report. The flow-measuring method must indicate values within ten (10) percent of the actual flow being discharged from the facility.

8. **Signatory and Certification Requirements**

- a. All applications must be signed and certified for accuracy as follows:
 - i. In the case of corporations, by a responsible corporate officer. For purposes of this section, the responsible corporate officer is responsible for the overall operation of the facility from which the discharge described in the form originates;
 - ii. In the case of partnership, by a general partner;

- iii. In the case of a sole proprietorship, by the proprietor;
 - iv. In the case of a municipal, state, or other public facility, by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer has responsibility for the overall operation of the facility from which the discharge originates.
- b. All reports and other information required by the division, shall be signed and certified for accuracy by the permittee in accord with the following criteria:
- i. In the case of corporations, by a responsible corporate officer. For purposes of this section, the responsible corporate officer is responsible for the overall operation of the facility from which the discharge described in the form originates;
 - ii. In the case of a partnership, by a general partner;
 - iii. In the case of a sole proprietorship, by the proprietor;
 - iv. In the case of a municipal, state, or other public facility, by either a principal executive officer, or ranking elected official. For purposes of this section, a principal executive officer has responsibility for the overall operation of the facility from which the discharge originates;
 - v. By a duly authorized representative of a person described above, only if:
 - 1) The authorization is made in writing by a person described in i, ii, iii, or iv above;
 - 2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and,
 - 3) The written authorization is submitted to the division.
- c. If an authorization as described in this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of this section must be submitted to the division prior to or together with any reports, information, or applications to be signed by an authorized representative.

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

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

PART II

A. NOTIFICATION REQUIREMENTS

1. Notification to Parties

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

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

Clean Water Program
Water Quality Control Division
Telephone: (303) 692-3500

- b. Written notification shall be to:

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

2. Change in Discharge or Wastewater Treatment

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

- a. The alteration or addition is likely to result in a new or altered discharge either in terms of location or effluent quality prior to the occurrence of the new or altered discharge, or;
- b. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported pursuant to an approved land application plan.

The permittee shall give advance notice to the division of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. For any pollutant for which monitoring requirements are not included in the permit certification, the permittee shall notify the division as soon as it becomes aware that the pollutant(s) are present in the source water, influent, or effluent in concentrations greater than originally identified in the application. Whenever notification of any planned physical alterations or additions to the permitted facility is required pursuant to this section, the permittee shall furnish the division such plans and specifications which the division deems reasonably necessary to evaluate the effect on the discharge, the stream, or ground water.

If the division finds that such new or altered discharge might be inconsistent with the conditions of the permit, the division shall require a new or revised permit application or a permit modification and shall follow the procedures specified in Sections 61.5 through 61.6, and 61.15 of the Colorado Discharge Permit System Regulations.

3. Special Notifications Definitions

- a. Bypass: The intentional diversion of waste streams from any portion of a treatment facility.
- b. Severe Property Damage: Substantial physical damage to property at the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. It does not mean economic loss caused by delays in production.
- c. Upset: An exceptional incident in which there is unintentional and temporary noncompliance with permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

4. Noncompliance Notification

- a. If, for any reason, the permittee does not comply with or will be unable to comply with any discharge limitations or standards specified in this permit, the permittee shall, at a minimum, provide the division with the following information:
 - i. A description of the discharge and cause of noncompliance;
 - ii. The period of noncompliance, including exact dates and times and/or the anticipated time when the discharge will return to compliance; and
 - iii. Steps being taken to reduce, eliminate, and prevent recurrence of the noncomplying discharge.
- b. The permittee shall report the following circumstances **orally within twenty-four (24) hours** from the time the permittee becomes aware of the circumstances, and shall mail to the division a written report containing the information requested in Part II.A.4 (a) **within five (5) days** after becoming aware of the following circumstances:
 - i. Circumstances leading to any noncompliance which may endanger health or the environment regardless of the cause of the incident;
 - ii. Circumstances leading to any unanticipated bypass which exceeds any effluent limitations in the permit;
 - iii. Circumstances leading to any upset which causes an exceedance of any effluent limitation in the permit;
 - iv. Daily maximum violations for any of the pollutants limited by Part I.A of this permit and specified as requiring 24-hour notification. This includes any toxic pollutant or hazardous substance or any pollutant specifically identified as the method to control any toxic pollutant or hazardous substance.
- c. Unless otherwise indicated in this permit, the permittee shall report instances of non-compliance which are not required to be reported within 24-hours at the time Discharge Monitoring Reports are submitted. The reports shall contain the information listed in sub-paragraph (a) of this section.

5. Other Notification Requirements

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule in the permit shall be submitted no later than fourteen (14) days following each scheduled date, unless otherwise provided by the division. The permittee shall notify the division, in writing, thirty (30) days in advance of a proposed transfer of permit as provided in Part II.B.3. The permittee's notification of all anticipated noncompliance does not stay any permit condition. All existing manufacturing, commercial, mining, and silvicultural dischargers must notify the division as soon as they know or have reason to believe:

- a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - i. One hundred micrograms per liter (100 µg/l);
 - ii. Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol; and one milligram per liter (1.0 mg/l) for antimony;
 - iii. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with Section 61.4(2)(g).
 - iv. The level established by the division in accordance with 40 C.F.R. § 122.44(f).
- b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - i. Five hundred micrograms per liter (500 µg/l);
 - ii. One milligram per liter (1 mg/l) for antimony; and
 - iii. Ten (10) times the maximum concentration value reported for that pollutant in the permit application;
 - iv. The level established by the division in accordance with 40 C.F.R. § 122.44(f).

6. Bypass Notification

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

7. Upsets

a. Effect of an Upset

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

b. Conditions Necessary for a Demonstration of Upset

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 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.

c. Burden of Proof

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

8. Discharge Point

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

9. Proper Operation and Maintenance

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

10. 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 of in accordance with applicable state and federal regulations and in a manner that will prevent the removed pollutant(s) from entering waters of the State.

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

12. 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 with its permit, control production, control sources of wastewater, or all discharges, until the facility is restored or an alternative method of treatment is provided. This provision also applies to power failures, unless an alternative power source sufficient to operate the wastewater control facilities is provided.

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

B. RESPONSIBILITIES

1. 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 effect 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. As necessary under 40 C.F.R. 403.8(e), to include a compliance schedule for the development of a pretreatment program.
- ix. When the level of discharge of any pollutant which is not limited in the permit exceeds the level which can be achieved by the technology-based treatment requirements appropriate to the permittee under Section 61.8(2) of the Colorado Discharge Permit System Regulations.
- x. To establish a pollutant notification level required in Section 61.8(5) of the Colorado Discharge Permit System Regulations.

- xi. To correct technical mistakes, such as errors in calculation, or mistaken interpretations of law made in determining permit conditions, to the extent allowed in Section 61.10 of the Colorado State Discharge Permit System Regulations.
 - xii. When required by a permit condition to incorporate a land application plan for beneficial reuse of sewage sludge, to revise an existing land application plan, or to add a land application plan.
 - xiii. For any other cause provided in Section 61.10 of the Colorado Discharge Permit System Regulations.
- c. At the request of a permittee, the division may modify or terminate a permit and issue a new permit if the following conditions are met:
 - i. The Regional Administrator has been notified of the proposed modification or termination and does not object in writing within thirty (30) days of receipt of notification,
 - ii. The division finds that the permittee has shown reasonable grounds consistent with the Federal and State statutes and regulations for such modifications or termination;
 - iii. Requirements of Section 61.15 of the Colorado Discharge Permit System Regulations have been met, and
 - iv. Requirements of public notice have been met.
- d. Permit modification (except for minor modifications), termination or revocation and reissuance actions shall be subject to the requirements of Sections 61.5(2), 61.5(3), 61.6, 61.7 and 61.15 of the Colorado Discharge Permit System Regulations. The division shall act on a permit modification request, other than minor modification requests, within 180 days of receipt thereof. Except for minor modifications, the terms of the existing permit govern and are enforceable until the newly issued permit is formally modified or revoked and reissued following public notice.
- e. Upon consent by the permittee, the division may make minor permit modifications without following the requirements of Sections 61.5(2), 61.5(3), 61.7, and 61.15 of the Colorado Discharge Permit System Regulations. Minor modifications to permits are limited to:
 - i. Correcting typographical errors; or
 - ii. Increasing the frequency of monitoring or reporting by the permittee; or
 - iii. Changing an interim date in a schedule of compliance, provided the new date of compliance is not more than 120 days after the date specific in the existing permit and does not interfere with attainment of the final compliance date requirement; or
 - iv. Allowing for a transfer in ownership or operational control of a facility where the division determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between the current and new permittees has been submitted to the division; or

- v. Changing the construction schedule for a discharger which is a new source, but no such change shall affect a discharger's obligation to have all pollution control equipment installed and in operation prior to discharge; or
 - vi. Deleting a point source permitted feature when the discharge from that permitted feature is terminated and does not result in discharge of pollutants from other permitted features 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. Nothing in this permit shall be construed to prevent or limit application of any emergency power of the division.

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

9. 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. Confidentiality

Any information relating to any secret process, method of manufacture or production, or sales or marketing data which has been declared confidential by the permittee, and which may be acquired, ascertained, or discovered, whether in any sampling investigation, emergency investigation, or otherwise, shall not be publicly disclosed by any member, officer, or employee of the Commission or the division, but shall be kept confidential. Any person seeking to invoke the protection of this Subsection (12) shall bear the burden of proving its applicability. This section shall never be interpreted as preventing full disclosure of effluent data.

13. Fees

The permittee is required to submit payment of an annual fee as set forth in the 2005 amendments to the Water Quality Control Act. Section 25-8-502(l)(b), and the Colorado Discharge Permit System Regulations 5 CCR 1002-61, Section 61.15 as amended. Failure to submit the required fee when due and payable is a violation of the permit and will result in enforcement action pursuant to Section 25-8-601 et. seq., C.R.S. 1973 as amended.

14. Duration of Permit

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

15. Section 307 Toxics

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

16. Effect of Permit Issuance

- a. The issuance of a permit does not convey any property rights or any exclusive privilege.
- b. The issuance of a permit does not authorize any injury to person or property or any invasion of personal rights, nor does it authorize the infringement of federal, state, or local laws or regulations.
- c. Except for any toxic effluent standard or prohibition imposed under Section 307 of the Federal act or any standard for sewage sludge use or disposal under Section 405(d) of the Federal act, compliance with a permit during its term constitutes compliance, for purposes of enforcement, with Sections 301, 302, 306, 318, 403, and 405(a) and (b) of the Federal act. However, a permit

may be modified, revoked and reissued, or terminated during its term for cause as set forth in Section 61.8(8) of the Colorado Discharge Permit System Regulations.

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