

CDPS GENERAL PERMIT
STORMWATER DISCHARGES ASSOCIATED WITH
SAND AND GRAVEL MINING AND PROCESSING
(AND OTHER NONMETALLIC MINERALS EXCEPT FUEL)
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"), this permit authorizes the discharge of **stormwater** associated with operations engaged in mining and processing of sand and gravel (including rock and stone used as aggregate), and mining and quarrying of other nonmetallic minerals except fuels, certified under this permit, from those locations specified throughout the State of Colorado to specified waters of the State. Such discharges shall be in accordance with the conditions of this permit.

This permit specifically authorizes the facility listed on page 1 of this permit to discharge stormwater associated with operations engaged in mining and processing of sand and gravel (including rock and stone used as aggregate), and mining and quarrying of other nonmetallic minerals except fuels, as of this date, in accordance with the permit requirements and conditions set forth in Parts I and II hereof. All discharges authorized herein shall be consistent with the terms and conditions of this permit.

Any party may demand an adjudicatory hearing within thirty (30) days of the issuance of this general permit determination, per the Colorado Discharge Permit System Regulations, Regulation No. 61 (5 CCR 1002-61). Should the applicant choose to contest any of the effluent limitations, monitoring requirements or other conditions contained herein, the applicant must comply with Section 24-4-104 CRS and the Colorado Discharge Permit System Regulations. Failure to contest any such effluent limitation, monitoring requirement, or other condition, constitutes consent to the condition by the Applicant. However, an adjudicatory hearing may not be requested for a certification issued pursuant to this permit.

This permit and the authorization to discharge shall expire at midnight, **September 30, 2012**.

Issued and Signed this 31ST day of August 2007

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT



Janet S. Kieler
Permits Section Manager
Water Quality Control Division

ADMINISTRATIVELY CONTINUED
OCTOBER 1, 2012

SIGNED AND ISSUED AUGUST 31, 2007
EFFECTIVE OCTOBER 1, 2007

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PART I

A. COVERAGE UNDER THIS PERMIT

1. **Industries Covered**

Under this general permit, the following types of facilities may be granted authorization to discharge stormwater runoff into waters of the state of Colorado:

Facilities engaged in the mining and processing of sand and gravel (including rock or stone used as aggregate, and recycling of concrete and asphalt), and mining and quarrying of other nonmetallic minerals (except fuels or graphite), as described by the Standard Industrial Classification (SIC) Code 14, and asphalt and concrete batch plants located at these facilities.

- a. **Stormwater:** This permit is intended to cover stormwater runoff from those portions of a nonmetallic minerals production operation that are not subject to effluent limitations under 40 CFR 436.

For the purposes of this permit, stormwater discharges authorized under this permit include stormwater runoff from:

- 1) Roads and railroad lines;
- 2) Pond outsoles;
- 3) Inactive loadouts;
- 4) stockpiles of overburden, raw material, intermediate products, byproducts, finished products or waste products;
- 5) Sites used for storage and maintenance of material handling equipment; and
- 6) Other sources not covered under the list of process waters in Part I.A.1.b, below.

- b. **Stormwater vs. Process water:** When stormwater mixes with process water, any discharge of the resulting mixed water to state waters must be authorized by a separate CDPS discharge permit. For purposes of this permit, discharge of process-generated wastewaters are not authorized by this permit, including:

- 1) Product wash waters;
- 2) Maintenance/equipment wash waters;
- 3) Transport waters;
- 4) Scrubber waters (crushers or classifiers);
- 5) Mine dewatering (groundwater and/or runoff);
- 6) Other process water as determined by the permit issuing authority;
- 7) Stormwater runoff from mine or processing areas; and
- 8) Stormwater runoff, which mixes with process generated wastewater before sampling.

2. **Dredge and Fill Operations**

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

3. **Application Requirements**

In order to be considered eligible for authorization to discharge under the terms and conditions of this permit, the owner, operator, and/or authorized agent of any facility desiring to discharge must submit, by letter or hand delivery, the **original** discharge application form, available from the Water Quality Control Division (the "Division"), which generally requires the following information:

- a. Name and address of the applicant;
- b. Site address and location;
- c. Facility contact person, and telephone number, and email address (if available);

A. COVERAGE UNDER THIS PERMIT (cont.)

- d. Standard Industrial Classification (SIC) code(s);
- e. List of any other environmental permits currently held by the facility;
- f. Activities which take place at the site;
- g. Receiving waters; and
- h. Certification as to the completion of a SWMP.

4. **Application Due Dates**

At least thirty days before the anticipated date of discharge, the owner (or operator if the owner does not operate the facility) of the facility shall submit an application as provided by the Division.

One original copy of the completed discharge application form shall be submitted, by certified mail or hand delivery, to:

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

5. **Certification Procedures**

If the general permit is applicable to the applicant's operation, a certification will be developed and the applicant will be certified under this general permit.

- a. **Request for Additional Information:** The Division shall have up to **thirty days** after receipt of the above information to request additional data and/or deny the authorization for any particular discharge. Upon receipt of additional information, the Division shall have an additional **thirty days** to issue or deny authorization for the particular discharge. (Notification of denial shall be by letter, in cases where coverage under an alternate general permit or an individual permit is required, instead of coverage under this general permit.)
- b. **Automatic Coverage:** If the applicant does not receive a request for additional information or a notification of denial from the Division dated within thirty days of the receipt of the application by the Division, authorization to discharge in accordance with the conditions of this permit shall be deemed granted.
- c. **Individual Permit Required:** If, after evaluation of the application (or additional information, such as the SWMP), it is found that this general permit is not applicable to the operation, then the application will be processed as one for an individual permit or a more appropriate general permit. The applicant will be notified of the Division's decision to deny certification under this general permit. For an individual permit, additional information may be requested, and 180 days will be required to process the application and issue the permit. Temporary coverage under this general permit may be allowed until the individual permit goes into effect.
- d. **General vs. Individual Permit Coverage:** Any owner or operator authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual CDPS permit. The owner or operator shall submit an individual application to the Division, with reasons supporting the request, to the Division at least 180 days prior to any discharge.

6. **Permit Expiration Date**

Authorization to discharge under this general permit shall commence on October 1, 2007, and shall expire on September 30, 2012. The Division must evaluate and reissue this general permit once every five years, and must recertify the applicant's authority to discharge under the general permit at such time. Any permittee desiring continued coverage under the general permit must reapply by June 30, 2012. The Division will initiate the renewal process;

A. COVERAGE UNDER THIS PERMIT (cont.)

however, it is ultimately the permittee's responsibility to ensure that the renewal is submitted. The Division will determine if the applicant may continue to operate under the terms of the general permit. An individual permit may be required for any facility not reauthorized to discharge under the reissued general permit. For facilities wishing to terminate authorization under the new permit, provisions of Part II.B.5.d will be applicable.

7. **Inactivation of Certification**

The permittee may request inactivation of their certification under this permit, once the site has been fully released from their reclamation bond requirements by the Colorado Division of Reclamation, Mining and Safety (CDRMS). See Part I.D of the permit.

B. EFFLUENT LIMITATIONS AND CONDITIONS

1. **General Limitations**

- a. Stormwater discharges from the industrial activity shall not cause, have the reasonable potential to cause, or measurably contribute to an exceedance of any water quality standard, including narrative standards for water quality.
- b. There shall be no discharge of sanitary wastewaters from toilets, septic tanks, portable toilets facilities, or related facilities.
- c. No chemicals are to be added to the discharge unless the Division grants permission for the use of a specific chemical. In granting the use of such chemicals, additional limitations and monitoring requirements may be imposed.
- d. Bulk storage structures for petroleum products and other chemicals shall have secondary containment or equivalent adequate protection so as to contain all spills and prevent any spilled material from entering discharged waters or waters of the State.
- e. All waters shall be discharged in a manner to prevent erosion, scouring, or damage to stream banks, streambeds, or ditches.
- f. All dischargers must comply with the lawful requirements of counties; drainage districts and other state or local agencies regarding any discharges of stormwater to storm drain systems or other watercourses under their jurisdiction.

2. **Stormwater Management Plan (SWMP)**

A Stormwater Management Plan (SWMP) shall be developed for each facility covered by this section (Part I.B.2). The SWMP shall be prepared in accordance with good engineering, hydrologic and pollution control practices. (The SWMP need not be prepared by a registered engineer.)

The plan shall identify potential sources of pollution (including sediment), which may reasonably be expected to affect the quality of stormwater discharges associated with the mining activity. In addition, the plan shall describe the practices to be used to reduce the pollutants in stormwater discharges associated with mining activity at the facility; and ensure the practices are selected and described in accordance with good engineering practices, including the installation, implementation and maintenance requirements. Also, the plan shall be properly prepared, and updated in accordance with Part I.B.7.c, to ensure compliance with the terms and conditions of this permit.

Facilities must implement the provisions of the SWMP as written and updated, from commencement of site activity until final reclamation is complete, as a condition of this permit. The Division reserves the right to review the SWMP, and to require the permittee to develop and implement additional measures to prevent and control pollution as needed.

B. EFFLUENT LIMITATIONS AND CONDITIONS (cont.)

The permittee must implement the provisions of SWMP required under this part as a condition of this permit.

For any sites under this permit that had permit coverage under permit COG-500000 before September 30, 2007, the permittee's SMWP must meet the new SWMP requirements as summarized in Section II of the rationale. Any needed changes must be made by March 1, 2008.

The SWMP shall include the following items, at a minimum:

- a. **Site Map:** The plan shall provide a site map or maps, which indicate at a minimum:
 - Mining site boundaries;
 - Access and haul roads;
 - Stormwater outfalls and an outline of the drainage area of each stormwater outfall;
 - An estimate of the direction of flow;
 - Each existing structural control measure to reduce pollutants in stormwater runoff;
 - Non-structural BMPs, as applicable;
 - Springs, streams, wetlands and other surface waters;
 - Mine drainage or any other process water;
 - Dedicated asphalt or concrete batch plants;
 - Areas used for recycling of asphalt or concrete
 - All areas of soil disturbance;
 - The location and description of all potential stormwater pollution sources, including, but not limited to, the following:
 - Materials handling areas;
 - Vehicle fueling areas;
 - Fertilizer or chemical storage areas;
 - Areas used for storage or disposal of overburden, materials, soils or wastes; and
 - Areas used for mineral milling and processing.

- b. **Description of Potential Pollutant Sources/Material Inventory:** The SWMP shall identify potential sources of pollutants (activities and materials) at the site, and assess the potential of these sources to contribute pollutants to stormwater discharges associated with mining activities. The SWMP must also describe appropriate Best Management Practices (BMPs) to reduce the potential of these identified sources to contribute pollutants to stormwater discharges. At a minimum, each of the following shall be evaluated for the reasonable potential for contributing pollutants to runoff:
 - Loading and unloading operations;
 - Outdoor storage of chemicals or equipment;
 - Crushing facilities or significant dust and particulate generating activities;
 - On site waste disposal practices;
 - Stockpiles of overburden, raw material, intermediate products, byproducts, finished products or waste products;
 - Dedicated asphalt or concrete batch plants;
 - Areas used for recycling of asphalt or concrete
 - Routine maintenance activities involving fertilizers, pesticides, detergents, fuels, solvents, oils, etc.;
 - Haul roads; and
 - Disturbed areas.

In each case where stormwater pollution potential exists, appropriate preventive measures must be taken and documented.

- c. **Stormwater Quality Controls:** Each site covered by this permit shall develop a description of stormwater quality controls appropriate for that site, and implement such controls. The appropriateness and priorities of

B. EFFLUENT LIMITATIONS AND CONDITIONS (cont.)

controls in the plan shall reflect identified potential sources of pollutants at the site. The SWMP shall clearly describe the installation and implementation specifications for each BMP identified in the SWMP to ensure proper implementation, operation and maintenance of the BMP. The description of stormwater quality controls shall address the following minimum components, including a schedule for implementing such controls:

- 1) SWMP Administrator: The SWMP shall identify a specific individual(s), position or title within the mining organization who is responsible for developing, implementing, maintaining, and revising the SWMP. The activities and responsibilities of the administrator shall address all aspects of the facility's SWMP.
- 2) Materials Handling and Spill Prevention: Areas or procedures where potential spills can occur must have spill prevention and response procedures identified in the SWMP. The SWMP shall clearly describe and locate all practices implemented at the site to minimize impacts from procedures or significant materials (see definitions at Part I.E.) that could contribute pollutants to runoff. Such procedures or significant materials could include exposed storage of fuels, other chemicals, or waste material; and equipment maintenance areas.
- 3) Erosion and Sediment Controls: Describe the BMPs that will be used to reduce erosion and prevent sediment delivery to State waters. These should include structural (such as silt fences, sediment ponds, drop structures, check dams) and non-structural (such as mulching and revegetation) practices.
- 4) Other Pollution Prevention Measures: The plan shall identify any other structural and non-structural measures for stormwater quality control on-site.
- 5) Preventive Maintenance: A preventive maintenance program is required, and shall involve inspection and maintenance of stormwater management devices (maintenance of dikes separating mine drainage from stormwater, cleaning oil/water separators and catch basins, etc.) as well as inspecting and testing of equipment and systems to prevent conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters. These periodic inspections are different from the comprehensive site evaluation (see Part I.B.5), although the former may be incorporated into the latter. Equipment, area, or other inspections are typically visual and are normally conducted on a regular basis (e.g., daily inspections of loading areas).
- 6) Good Housekeeping: The SWMP shall identify good housekeeping procedures that will be followed by the mining operation. Good housekeeping requires the maintenance of a clean, orderly facility. This part of the SWMP shall address cleaning and maintenance schedules, trash collection and disposal and collection practices, grounds maintenance, etc.
- 7) Identification of Discharges other than Stormwater: The stormwater conveyance system on the site shall be evaluated for the presence of discharges other than stormwater, such as mine drainage, spoil springs, sanitary waste, or process water of any kind. The SWMP shall include a description of the results of any evaluation for the presence of discharges other than stormwater, the method used, the date of the evaluation, and the on-site drainage points that were directly observed during the evaluation.

A number of discharges other than stormwater may not require a CDPS Industrial Wastewater Discharge permit and are considered Allowable Non-Stormwater Discharges. Any of these discharge that exist at the site must be identified in the SWMP. See Part I.B.8 of the permit for the list of such allowable discharges.

3. **BMP Implementation and Design Standards**

Facilities must select, install, implement, and maintain appropriate BMPs, following good engineering, hydrologic and pollution control practices. BMPs implemented at the site must be adequately designed to provide control for all potential pollutant sources associated with industrial activity to prevent pollution or degradation of State waters.

B. EFFLUENT LIMITATIONS AND CONDITIONS (cont.)

4. **Consistency with Other Plans**

SWMPs may reflect requirements for Spill Prevention Control and Countermeasure (SPCC) plans under section 311 of the CWA, or Best Management Practices (BMPs) Programs otherwise required by a CDPS permit, and may incorporate any part of such plans into the SWMP by reference. The SWMP may rely upon information developed for other similar pollution control programs, including any required by the Colorado Division of Reclamation, Mining, And Safety (CDRMS). Appropriate portions of these other plans may be incorporated in the SWMP by reference, as long as the reference materials are maintained on site, and a complete SWMP can be reproduced and submitted to the requesting agency. The SWMP must also be readily available to an on-site inspector.

5. **Facility Inspections**

In addition to the inspections necessary to comply with the preventive maintenance program requirements in Part I.B.2.c.5, qualified personnel identified by the permittee shall make a comprehensive inspection of their stormwater management system, at least twice per year, except as provided in paragraphs d, e and f, below. The inspections must be conducted in approximately the spring and fall; if this is not possible, the inspections must be conducted at least 120 days apart. These comprehensive inspections must be documented and summarized in the Annual Report (see Part I.C.2 of the permit).

- a. Material handling areas, disturbed areas, areas used for material storage that are exposed to precipitation, and other potential sources of pollution identified in the SWMP in accordance with Part I.B.2.b of this permit shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Structural stormwater management measures, sediment and control measures, and other structural pollution prevention measures identified in the plan shall be observed to ensure that they are operating correctly. A visual inspection of equipment needed to implement the plan, such as spill response equipment, shall be made.
- b. Any repairs or maintenance needs identified by the inspection shall be completed immediately. Based on the results of the inspection, if revisions to the description of the potential pollutant sources and the pollution prevention and control measures identified in the SWMP are needed, the plan shall be revised as appropriate, as soon as practicable after such inspection. Revised control measures shall be implemented before the next anticipated storm, but in no case more than 60 calendar days after the inspection, unless otherwise provided by the Division, and in compliance with the requirements of Part I.B.7.c.2.
- c. A report summarizing the scope of the inspection, personnel making the inspection, the date(s) of the inspection, significant observations relating to the implementation of the SWMP, and actions taken in accordance with paragraph (b), above, shall be made and retained as part of the SWMP for at least three years after the date of inspection. Significant observations include such things as the locations of discharges of pollutants from the site; locations of previously unidentified sources of pollutants; locations of BMPs needing maintenance or repair; locations of failed BMPs that need replacement; and locations where additional BMPs are needed. The report must also document any incidents of noncompliance observed. This record shall be made available to the Division upon request and summarized in the Annual Report.
- d. Where semi-annual site inspections are shown in the plan to be impractical for sites where an employee is not stationed or does not routinely visit the site, inspections as required in this part shall be conducted at appropriate intervals specified in the plan, but never less than once in two years.
- e. **Inactive Sites:** Where semi-annual site inspections are shown in the plan to be impractical for inactive sites (sites where industrial activity is no longer conducted), site inspections required by this part shall be conducted at appropriate intervals specified in the plan, but, in no case less than once in three years. At least one site inspection required under this part shall be conducted before October 1, 2011 or the date two years after such site becomes inactive, whichever is earlier.

B. EFFLUENT LIMITATIONS AND CONDITIONS (cont.)

- f. **Reclamation Operations:** For sites undergoing reclamation and where all mining activity has ceased, qualified personnel identified by the operator permittee shall make a thorough inspection of their stormwater management system, at least once per year (in the field season). Where annual site inspections are shown in the plan to be impracticable, because an employee is not stationed at or does not routinely visit the site, inspections as required in this part shall be conducted at appropriate intervals specified in the plan, but never less than once in two years.

6. **SWMP Availability**

Upon request, the permittee shall submit a copy of the SWMP to the Division, the CDRMS and/or EPA, and any local agency approving sediment and erosion plans or stormwater management plans, within the time frames specified in the request. If the SWMP is required to be submitted to any of these entities, it must include a signed certification in accordance with Part I.C.6 of the permit, certifying that the SWMP is complete and meets all permit requirements.

All SWMPs required under this permit are considered reports that shall be available to the public under Section 308(b) of the CWA. The owner or operator of a facility with stormwater discharges covered by this permit shall make plans available to members of the public upon request. However, the permittee may claim any portion of a SWMP as confidential in accordance with 40 CFR part 2.

7. **SWMP Administrative Requirements**

- a. **SWMP Preparation and Implementation:** The SWMP shall be prepared prior to applying for coverage under the general permit, and certification of completion submitted with the application. The SWMP shall be implemented when the facility begins operation, or when the general permit certification is issued, whichever is later, and updated as appropriate (see section c., below).
- b. **SWMP Retention:** For active mining operations and sites undergoing reclamation, the plan shall be retained on site unless another location, specified by the permittee, is approved by the Division. For inactive mining operations, the plan shall be retained by the permittee.
- c. **SWMP Review/Changes:**
- 1) **Division Review:** The Division reserves the right to request and review the SWMP, and to require additional measures to prevent and control pollution, as needed. Upon review of the SWMP, the Division may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this permit. After such notification, the permittee shall make changes to the plan and shall submit to the Division an update to the plan including the requested changes. Unless otherwise provided by the Division, the permittee shall have 30 days after such notification to both make the necessary changes to the plan and to implement them.
 - 2) **Permittee Review/Change:** The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance which has a significant effect on the potential for the discharge of pollutants to the waters of the State, or if the SWMP proves to be ineffective in achieving the general objectives of controlling pollutants in stormwater discharges associated with mining activity. If existing BMPs need to be modified or if additional BMPs are necessary, the plan changes and implementation should be completed before the next anticipated storm, but in no case more than 60 days after: the change in design, construction, operation, or maintenance, or; when the SWMP has been determined to be ineffective. Amendments to the plan shall be summarized in the Annual Report.

It is the permittee's responsibility to notify the CDRMS of any significant changes at their site resulting from the implementation of the SWMP.

B. EFFLUENT LIMITATIONS AND CONDITIONS (cont.)

8. **Prohibition of Non-Stormwater Discharges**

- a. Except as provided in paragraph b, below, **all discharges authorized by this permit shall be composed entirely of stormwater.** Discharges of material other than stormwater must be addressed in a separate CDPS permit issued for that discharge.
- b. Discharges from the following sources that are combined with stormwater discharges associated with mining activity may be authorized by this permit, provided that the non-stormwater component of the discharge is identified in the SWMP (see Part I.B.2.c.7 of the permit): emergency fire fighting activities, uncontaminated compressor condensate, irrigation drainage, lawn watering, air conditioner condensate, uncontaminated seeps and springs, and foundation or footing drains where flows are not contaminated.

9. **Employee Education**

The permittee shall develop and implement employee education programs to inform personnel at all levels of responsibility of the components and goals of the SWMP. Education shall address topics such as spill response, good housekeeping, and material management practices. The permittee shall identify periodic dates for such instruction. Contractor or temporary personnel shall be informed of mine operations and control features in order to prevent stormwater pollution from occurring.

10. **Total Maximum Daily Load (TMDL)**

If a TMDL has been approved for any waterbody into which the permittee discharges, and it has been determined that the types of stormwater discharges covered under this permit are or have the potential to be identified as a significant source of the pollutant in question, the permittee will be notified by the Division. The permittee will be required to do the following:

- a. under the permittee's SWMP, implement specific management practices based on requirements of the TMDL, and evaluate whether the requirements are being met through implementation of existing stormwater BMPs or if additional BMPs are necessary. Document the calculations or other evidence that show that the requirements, including any specific pollutant wasteload allocations (WLA), are expected to be met; and
- b. if the evaluation shows that additional or modified BMPs are necessary, describe the type and schedule for the BMP additions/revisions. A description of the SWMP changes shall be included with the next Annual Report, or if requested by the Division, whichever is sooner.

Stormwater discharge monitoring may also be required. The permittee may maintain coverage under the general permit provided they comply with the applicable requirements outlined above. The Division reserves the right to require individual or alternate general permit coverage.

C. MONITORING AND REPORTING

1. **Monitoring**

Sampling and testing of stormwater for specific parameters under Part I.B is not required on a routine basis under this permit. However, the Division reserves the right to require sampling and testing beyond this, on a case-by-case basis, at any facility covered by this permit, in the event that there is reason to suspect noncompliance with the SWMP, or to measure the effectiveness of the BMPs in removing pollutants in the effluent.

If monitoring is required, the following definitions apply:

- a. The thirty (30) day average shall be determined by the arithmetic mean of all samples collected during a thirty (30) consecutive day period.
- b. A grab sample, for monitoring requirements, is a single "dip and take" sample.

C. MONITORING AND REPORTING (cont.)

2. **Reporting of Data – Annual Report**

The permittee will be required to submit an Annual Report, covering January 1 through December 31 of each year, on the overall compliance with the SWMP. The annual report will contain, at a minimum:

- a. Name of permittee, address, phone number, and permit certification number.
- b. A report on the facility's overall compliance with the SWMP.
- c. A summary of each comprehensive stormwater facility inspection made, including date, findings, and action taken. If the inspection frequency that is less than twice per year, in accordance with the allowable reduced inspection frequencies in Part I.B.5 of this permit, the Annual Report must indicate the reason.
- d. Results and interpretation of any stormwater monitoring performed.
- e. The report shall be signed and certified for accuracy by the permittee, including the certification language contained in Part I.C.6.c of the permit.

The Annual Report will be due to the Division on or before **February 15** of the following year. The exact due date for the permittee's first annual report will be listed in their permit certification. The Division reserves the right to require additional information in the report, on a case-by-case basis, as needed.

All reports required for submittal shall be signed and certified for accuracy by the permittee (see Part I.C.6).

A signed copy of the above report forms shall be submitted to the following address:

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

3. **Reporting to Municipality**

Any permitted facility discharging to a municipal storm sewer shall provide the municipality with a copy of the permit application, upon request. A copy of the SWMP shall also be provided to the municipality upon request.

4. **Releases in Excess of Reportable Quantities**

This permit does not relieve the permittee of the reporting requirements of 40 CFR 110, 40 CFR 117 or 40 CFR 302. Any discharge of hazardous material must be handled in accordance with the Division's Notification Requirements (see Part II.A.3 of the permit).

5. **Record Keeping and Internal Reporting Procedures**

- a. **SWMP:** The permittee shall retain a copy of the SWMP required by this permit for the duration of this permit.

Incidents such as spills or other discharges, along with other information describing the quality and quantity of stormwater discharges, shall be included in the records. Inspections and maintenance activities shall be documented and recorded. (This does not relieve the permittee of the responsibility of reporting spills as required under section 25-8-601(2) of the Colorado Water Quality Control Act.) The permittee shall retain such records for a minimum of three (3) years from the date generated. All reports required by the permit and/or the Division, and any relevant correspondence, shall be retained for a minimum of five (5) years from the date generated.

C. MONITORING AND REPORTING (cont.)

- b. **Sampling:** If sampling is performed, the permittee shall establish and maintain sampling records. Those records shall include the following:

- 1) The date, type, exact location, and time of sampling or measurements;
- 2) The individual(s) who performed the sampling or measurements;
- 3) The date(s) the analyses were performed;
- 4) The individual(s) who performed the analyses;
- 5) The analytical techniques or methods used;
- 6) The results of such analyses; and
- 7) Any other observations, which may result in, an impact on the quality or quantity of the discharge as indicated in 40 CFR 122.44 (i)(1)(iii).

The permittee shall retain for a minimum of three (3) years records of all monitoring information, including all original strip chart recordings for continuous monitoring instrumentation, all calibration and maintenance records, copies of all reports required by this permit and records of all data used to complete the application for coverage under 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 Regional Administrator of EPA.

6. **Signatory Requirements**

- a. All reports and applications submitted to the Division and/or EPA shall be signed and certified for accuracy by the permittee in accordance with the following criteria:

- 1) In the case of corporations, by a principal executive officer of at least the level of vice-president or his or her duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge described in the form originates;
- 2) In the case of a partnership, by a general partner;
- 3) In the case of a sole proprietorship, by the proprietor;
- 4) In the case of a municipal, state, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee, if such employee is responsible for the overall operation of the facility from which the discharge described in the permit originates.

- b. **Changes to authorization.** If an authorization under paragraph a) of 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 paragraph a) 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.

- c. **Certification.** Any person signing a document under paragraph a) of this section shall make the following certification:

"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."

D. **TERMINATION OF PERMIT COVERAGE**

1. **Termination Criteria**

- a. **Reclamation Permit Release:** When a site has been reclaimed in accordance with the Colorado Division of Reclamation, Mining, And Safety (CDRMS) requirements and the site has been released from State reclamation requirements, the permittee may request stormwater permit termination.

D. **TERMINATION OF PERMIT COVERAGE** (cont.)

- b. **Termination in the Absence of CDRMS Permit:** For facilities without CDRMS permits, certification under this permit may be terminated once the following criteria have been met for the entire mine site, including any on-site disposal areas:
- 1) all raw materials, intermediate products, byproducts, finished products and waste products have been removed or permanently isolated from stormwater;
 - 2) all soil disturbing activities at the site have been completed;
 - 3) the site has been stabilized (with little evidence of soil erosion or other runoff problem); and
 - 4) vegetation has been established with an average cover or density, over the previously disturbed area, of a minimum of 40 percent vegetative cover over the area, or 70 percent of the vegetative cover of a similar undisturbed site, whichever is higher (vegetative cover or density determinations need not be determined scientifically by extensive measurement and statistical analyses; simple representative transects are adequate.); or equivalent permanent physical erosion reduction methods have been employed.

The Division may, after consultation with the permittee and upon good cause being shown, revise the vegetative cover requirements on a case-by-case basis.

2. **Request for Termination**

When a site has been reclaimed in accordance with the CDRMS requirements and the site has been released from State reclamation requirements, or the above Termination Criteria have been met, the permittee may request certification termination. The Division will consider termination of permit coverage when:

- a. The permittee has submitted a completed Inactivation Form as provided by the Division which summarizes the work accomplished;
- b. In the case of termination in absence of a CDRMS permit (Part I.D.1.b, above), the permittee has submitted photographic documentation of the post reclamation conditions at the mine site;
- c. All stormwater discharges to state waters associated with mining activities have ceased and the permittee has demonstrated to the Division the termination criteria have been met or the CDRMS performance bond has been released;
- d. The Division finds that the permittee has shown reasonable grounds consistent with the Federal and State statutes and regulations for such termination; and
- e. Fee requirements of Section 61.15 of State Discharge Permit System Regulations have been met.

Continued coverage may be required after reclamation has been completed if the Division has shown or has reason to suspect that the stormwater discharges may contribute to a violation of a water quality standard.

E. **DEFINITIONS**

1. **Best Management Practices (BMPs):** schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, pollution prevention, and practices to control site runoff, spillage or leaks, waste disposal, or drainage from material storage.
2. **Day:** For purposes of this permit, all deadline references to “day” refer to a calendar day.
3. **Dedicated asphalt plants and concrete plants:** portable asphalt plants and concrete plants that are located at a mining site and that provide materials only to that specific site.

E. DEFINITIONS (cont.)

4. **Mine Dewatering:** any water that is impounded or that collects in the mine and is pumped, drained or otherwise removed from the mine. See 40 CFR 436.21.
5. **Pollutant:** dredged spoil, dirt, slurry, solid waste, incinerator residue, sewage, sewage sludge, garbage, trash, chemical waste, biological nutrient, biological material, radioactive material, heat, wrecked or discarded equipment, rock, sand, or any industrial, municipal or agricultural waste.
6. **Significant Materials** include, but are not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to section 313 of title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharge.
7. **Stormwater:** precipitation-induced surface runoff.
8. **Water Quality Control Division or Division:** the State Water Quality Control Division, as established in the Colorado Water Quality Control Act, 25-8-101.

PART II

A. MANAGEMENT REQUIREMENTS

1. **Change in Discharge**

The permittee shall inform the Division (Permits Section) of any intent to construct, install, or alter any process, facility, or activity that is likely to result in a new or altered discharge that is not composed entirely of stormwater and/or allowable non-stormwater discharges identified in Part I.B.8. Division notification is also required if the permittee significantly changes the industrial activities at the site such that the industrial activities are no longer consistent with the activity description and/or SIC Code(s) originally identified in the permit application. The permittee shall furnish the Division any plans and specifications which the Division deems reasonably necessary to evaluate the effect on the discharge and receiving stream. If applicable, this notification may be accomplished through submittal of an application for a CDPS process water permit authorizing the discharge. The SWMP shall be updated and implemented prior to the changes, and a summary of the changes submitted to the Division with the following Annual Report. Also see Part I.C.2.

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

2. **Special Notifications - Definitions**

- a. **Spill:** An unintentional release of solid or liquid material, which may cause pollution of state waters.
- b. **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.

3. **Noncompliance Notification**

- a. The permittee shall report the following instances of noncompliance:
 - 1) Any noncompliance which may endanger health or the environment;

A. MANAGEMENT REQUIREMENTS (cont.)

- 2) Any spill or discharge of hazardous substances or oil which may cause pollution of the waters of the state.
- 3) Any discharge of stormwater which may cause an exceedance of a water quality standard.
- b. For all instances of noncompliance based on environmental hazards and chemical spills and releases, all needed information must be provided orally to the Colorado Department of Public Health and Environment spill reporting line (24-hour number for environmental hazards and chemical spills and releases: 1-877-518-5608) within 24 hours from the time the permittee becomes aware of the circumstances.

For all other instances of noncompliance as defined in this section, all needed information must be provided orally to the Water Quality Control Division within 24 hours from the time the permittee becomes aware of the circumstances.

For all instances of noncompliance identified here, a written submission shall also be provided within 5 calendar days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of:

- 1) The noncompliance and its cause;
- 2) The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue;
- 3) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

4. **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, or relevant new information becomes available, the permittee shall promptly submit the relevant application information which was not submitted or any additional information needed to correct any erroneous information previously submitted.

5. **Bypass**

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but if and only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions noted in item b. below. Division notification is not required.

Bypass is prohibited, and the Division may take enforcement action against a permittee for bypass, unless:

- a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
- c. The permittee submitted notices as required in "Bypass Notification," Part II.A.6.

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 and the Environmental Protection Agency (EPA). The bypass shall be subject to Division approval and limitations imposed by the Division and EPA.

A. MANAGEMENT REQUIREMENTS (cont.)

7. **Upsets**

- a. **Effect of an Upset:** An upset constitutes an affirmative defense to an action brought for noncompliance with permit effluent limitations if the requirements of paragraph b of this section are met. (No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.)
- b. **Conditions Necessary for a Demonstration of Upset:** A permittee who wishes to establish the affirmative defense of upset shall demonstrate through properly signed contemporaneous operating logs, or other relevant evidence that:
- 1) An upset occurred and that the permittee can identify the specific cause(s) of the upset; and
 - 2) The permitted facility was at the time being properly operated and maintained; and
 - 3) The permittee submitted notice of the upset as required in Part II.A.3. of this permit (24-hour notice); and
 - 4) The permittee complied with any remedial measures required under Section 122.7(d) of the federal regulations; and
 - 5) The permittee shall take all reasonable steps 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.
 - 6) 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 on 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. **Removed Substances**

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

9. **Minimization of Adverse Impact**

The permittee shall take all reasonable steps to minimize any adverse impact to waters of the State resulting from noncompliance with any terms and conditions specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

10. **Discharge Point**

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

11. **Reduction, Loss, or Failure of Stormwater Controls**

The permittee has the duty to halt or reduce any activity if necessary to maintain compliance with the permit requirements. Upon reduction, loss, or failure of any stormwater controls, the permittee shall, to the extent necessary to maintain compliance with its permit, control production, or remove all pollutant sources from exposure to stormwater, or both, until the stormwater controls are restored or an alternative method of treatment/control is provided.

A. MANAGEMENT REQUIREMENTS (cont.)

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.

12. **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 to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

B. RESPONSIBILITIES

1. **Inspections and Right to Entry**

The permittee shall allow access to the Director of the Division, the EPA Regional Administrator, and/or their authorized representative(s), upon the presentation of credentials. In the making of such inspections, investigations, and determinations, the Division, in so far 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. The Division, EPA, and/or their authorized representative(s), must be allowed:

- 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 to investigate, within reason, any actual, suspected, or potential source of water pollution, or any violation of the Colorado Water Quality Control Act. The investigation may include, but is not limited to, the following: sampling of any discharge and/or process waters, the taking of photographs, interviewing permittee staff on alleged violations and other matters related to the permit, and access to any and all facilities or areas within the permittee's premises that may have any effect on the discharge, permit, or any alleged violation. Such entry is also authorized for the purpose of inspecting and copying records required to be kept concerning any effluent source.

The Division shall split any sample taken with the permittee if requested to do so by the permittee.

2. **Duty to Provide Information**

The permittee shall furnish to the Division, within the time frame specified by the Division, any information, which the Division may request to determine whether cause exists for modifying, revoking and reissuing, or terminating coverage under 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**

Certification under this permit may be transferred to a new permittee if:

- a. The current permittee notifies the Division in writing 30 days in advance of the proposed transfer date; and
- b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage and liability between them; and

B. RESPONSIBILITIES (cont.)

- c. The Division does not notify the existing permittee and the proposed new permittee of its intent to modify, or revoke and reissue the permit; and
- d. The current permittee has met all fee requirements of the State Discharge Permit System Regulations, Section 61.15.

4. **Availability of Reports**

Except for data determined to be confidential under Section 308 of the Federal Clean Water Act and Regulations for the State Discharge Permit System 61.5 (4), all reports prepared and submitted in accordance with the terms of this permit shall be available for public inspection at the offices of the State Water Quality Control Division and the Environmental Protection Agency.

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

All permit modification, termination or revocation and reissuance actions shall be subject to the requirements of the State Discharge Permit System Regulations, Sections 61.5 (2), 61.5 (3), 61.7, 61.8(8) and 61.15, 5 C.C.R. 1002-61, except for minor modifications. As per Section 61.8(8)(e) of the regulation, minor modifications may only correct typographical errors, require a change in the frequency of monitoring or reporting by the permittee, change an interim date in a schedule of compliance or allow for a change in ownership or operational control of a facility including addition, deactivation or relocation of discharge points where the Division determines that no other change in the permit is necessary.

- a. This permit, and/or certification under this permit, may be modified, suspended, or revoked in whole or in part during its term for reasons determined by the Division including but not limited to, the following:
 - 1) Violation of any terms or conditions of the permit;
 - 2) 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;
 - 3) Materially false or inaccurate statements or information in the application for the permit;
 - 4) 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. This permit, and/or certification under this permit, may be modified in whole or in part due to a change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge, such as:
 - 1) 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;
 - 2) 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 Regulations for the State Discharge Permit System. 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 Regulations for the State Discharge Permit System;
 - 3) 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, as per Section 61.8(8)(b)(iii)(A)-(D).

B. RESPONSIBILITIES (cont.)

- 4) 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;
 - 5) Where the Division has completed, and EPA approved, a total maximum daily load (TMDL) which includes a wasteload allocation for the discharges(s) authorized under the permit;
 - 6) The permittee has received a variance;
 - 7) When required to incorporate applicable toxic effluent limitation or standards adopted pursuant to Section 307(a) of the Federal act;
 - 8) When required by the reopener conditions in the permit;
 - 9) When the level of discharge of any pollutant which is not limited in the permit, exceeds the level that can be achieved by the technology-based treatment requirements appropriate to the permittee under Section 61.8(2)(a) of the Regulations for the State Discharge Permit System;
 - 10) To establish a pollutant notification level required in Section 61.8(5) of the Regulations for the State Discharge Permit System;
 - 11) 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 Regulations for the State Discharge Permit System, or;
 - 12) For any other cause provided in Section 61.10 of the Regulations for the State Discharge Permit System.
- c. This permit, or certification under this permit, may be modified in whole or in part to include new effluent limitations and other appropriate permit conditions where data submitted pursuant to Part I.C or other available information indicates that such effluent limitations and permit conditions are necessary to ensure compliance with applicable water quality standards and protection of classified uses.
- d. At the request of the permittee, the Division may modify or terminate certification under this permit if the following conditions are met:
- 1) In the case of termination, the permittee notifies the Division of its intent to terminate the operation 90 days before the desired date of termination;
 - 2) In the case of termination, the permittee has ceased all discharges to state waters and demonstrates to the Division there is no probability of further uncontrolled discharge(s), which may affect waters of the State. Alternatively, the certification may be terminated if the site has been fully released from the reclamation board requirements by the Colorado Division of Reclamation, Mining and Safety (CDRMS).
 - 3) The Division finds that the permittee has shown reasonable grounds consistent with the Federal and State statutes and regulations for such modification, amendment or termination; and
 - 4) Fee requirements of Section 61.15 of State Discharge Permit System Regulations have been met.
- e. 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 Regulations for the State Discharge Permit System. The Division shall act on a permit modification request, other than minor modifications 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.

B. RESPONSIBILITIES (cont.)

- 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.

6. **Legal Responsibilities**

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.

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.

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.

7. **Permit Violations**

Failure to comply with any terms and/or conditions of this permit shall be a violation of this permit.

8. **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, are held invalid, the application of such provision to other circumstances and the application of the remainder of this permit shall not be affected.

9. **Renewal Application**

If the permittee desires to continue to discharge, a permit renewal application shall be submitted at least ninety (90) days before the 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 certification in accordance with Part II.B.5.

10. **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 shall bear the burden of proving its applicability. This section shall never be interpreted as preventing full disclosure of effluent data.

11. **Fees**

The permittee is required to submit payment of an annual fee as set forth in the Colorado Water Quality Control Act, Section 25-8-502, and State Discharge Permit Regulations 5CCR 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.

B. RESPONSIBILITIES (cont.)

12. **Requiring an Individual CDPS Permit**

The Director may require any owner or operator covered under this permit to apply for and obtain an individual or alternate general CDPS permit if:

- a. The discharger does not comply with the conditions of this general permit;
- b. Conditions or standards have changed so that the discharge no longer qualifies for a general permit; or
- c. Data/information become available which indicate water quality standards may be violated.

The owner or operator must be notified in writing that an application for an individual or alternate general CDPS permit is required. When an individual or alternate general CDPS permit is issued to an owner or operator otherwise covered under this General Permit, the applicability of the general permit to that owner or operator is automatically terminated upon the effective date of the individual or alternate CDPS permit.