



STATE OF COLORADO

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
Water Quality Control Division

CDPS GENERAL PERMIT COG500000

FOR DISCHARGES FROM SAND AND GRAVEL MINING AND PROCESSING (AND OTHER NONMETALLIC MINERALS EXCEPT FUEL)

AUTHORIZATION TO DISCHARGE UNDER 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"), sand and gravel mining and processing operations, and facilities that mine and process other nonmetallic minerals except fuel, are authorized to discharge from authorized locations throughout the State of Colorado to specified surface waters of the State. Such discharges shall be in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts I, II, and III hereof.

This permit specifically authorizes the entity identified in the certification of this permit to discharge process water and stormwater at the location(s) described in the certification of this permit, to waters of the state as identified in the certification of this permit.

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

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

This permit shall expire at midnight December 31, 2021

Issued and Signed this 13th day of October 2016

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Janet Kieler, Permits Section Manager
Water Quality Control Division

ISSUED AND SIGNED: October 13, 2016

EFFECTIVE DATE OF PERMIT: January 1, 2017

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PART I

A. COVERAGE UNDER THIS PERMIT – Process water and stormwater

1. Activities Covered

This permit authorizes the discharge of **process water** and **stormwater runoff** to surface waters of the state, from active and inactive eligible facilities engaged in mining and processing of sand and gravel (and other nonmetallic minerals, except fuel). Such facilities are described by Standard Industrial Classification (SIC) Code Major Group 14, unless a specific SIC code is made ineligible under Part I.A.2. of this permit. Appendix A provides a description of SIC Code Major Group 14 facilities.

This permit also authorizes the discharge of **stormwater runoff** to surface waters of the state from the following non-mining activities that are located **at** sand and gravel facilities: asphalt batch plants (SIC code 2951), concrete batch plants (SIC Code 3273), and asphalt and concrete recycling industrial activities.

This permit contains both process water and stormwater provisions, as follows:

- Applicable to **ALL** discharges: *Parts I.A, I.B, I.D, I.E, and I.F; Part II; Part III; and all Appendices*
- Applicable to **process water** discharges, **only**: *Part I.C.1*
- Applicable to **stormwater** discharges, **only**: *Part I.C.2 and Parts I.G through Q*

a. Eligible Process water discharges:

Process water discharges from facilities that produce the commodities listed below are specifically eligible for coverage under this permit.

- Dimension stone (SIC code 1411)
- Crushed stone (SIC code 1422, 1423, 1429)
- Construction sand and gravel (SIC code 1442)
- Industrial sand (SIC code 1446)
- Kaolin and Ball Clay (SIC code 1455)
- Clay, Ceramic, and Refractory Minerals, Not Elsewhere Classified (SIC code 1459)
- Graphite (SIC code 1499)

The following process water discharges are eligible for coverage under this permit, unless made ineligible under Part I.A.2.:

- i. mine dewatering, which includes:
 - any water, including groundwater, seepage, and stormwater (precipitation and surface runoff), that is impounded or that collects in the mine pit (surface or underground workings) and is pumped, drained, or otherwise removed from the mine through the efforts of the mine operator;
 - additionally, for construction sand and gravel facilities and industrial sand facilities only, wet pit overflow caused solely by direct rainfall and/or groundwater seepage.
- ii. process generated wastewater, which includes any wastewater used in slurry transport of mined materials, air emissions control, and processing exclusive to mining (40 CFR Part 436);
- iii. water used in sand and gravel processing (e.g., sorting, screening, crushing, and classifying);
- iv. stormwater runoff that becomes comingled with the above listed wastewaters before the discharge point.

b. Eligible Stormwater discharges:

Stormwater discharges from all SIC Major Group 14 facilities, and from asphalt batch plants (SIC code 2951); concrete batch plants (SIC code 3273); and asphalt and concrete recycling activities conducted at such facilities, are eligible for coverage under this permit. Please see Appendix C - Definitions for how the terms ‘asphalt batch plant’ and ‘asphalt concrete’ are used in this permit.

Stormwater discharges from the following areas at all SIC code Major Group 14 facilities are eligible for coverage under this permit unless made ineligible under Part I.A.2:

- i. industrial plant yards;
- ii. immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility;
- iii. material handling sites, including those used for asphalt and concrete recycling activities, asphalt batch plants, and concrete batch plants;
- iv. sites used for storage and maintenance of material handling equipment;
- v. shipping and receiving areas;
- vi. manufacturing buildings, including asphalt batch plants and concrete batch plants;
- v. storage areas and stockpiles of raw material, intermediate products, byproducts, finished products or waste products (including topsoil, overburden, and materials associated with asphalt and concrete recycling activities, asphalt batch plants, and concrete batch plants);
- vii. areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater;
- viii. all disturbed areas (other than those subject to the process water discharge provisions above), including mine pit out slopes; and,
- ix. stormwater run-on that commingles with stormwater discharges associated with sand and gravel mining and processing.

c. Allowable non-stormwater discharges:

The following non-stormwater discharges, as applicable to a facility, are authorized by this permit provided that appropriate control measures are implemented to minimize erosion and sediment transport resulting from such discharges, and the non-stormwater component(s) of the discharge and the control measure(s) used are identified in the Stormwater Management Plan (SWMP):

- i. Uncontaminated condensate (external atmospheric condensation, only) from air conditioners, coolers, and other compressors and from the outside storage of refrigerated gases or liquids;
- ii. Landscape (including reclamation activities) watering provided all pesticides, herbicides, and fertilizer have been applied in accordance with the approved labeling;
- iii. Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but not intentional discharges from the cooling tower (e.g., "piped" cooling tower blow down or drains); and
- iv. Process water discharges as characterized in Part I.A.1.a above.

2. Limitations on Coverage

This permit does not authorize the discharges or activities listed below. Permittees may seek individual or alternate general permit coverage for such discharges, as appropriate and available.

- a. Stormwater discharges associated with construction activity that disturbs one acre or more;
- b. Process water discharges from asphalt batch plants (resulting from the production of asphalt concrete);
- c. Process water discharges from concrete batch plants, including drum and truck wash water;
- d. Stormwater and process water discharges from placer mining industrial activities (SIC Major Group 10);
- e. Discharges to receiving waters designated as "outstanding waters" in accordance with 5 CCR 1002-31 (Regulation 31 - The Basic Standards and Methodologies For Surface Water);
- f. Discharges that are currently covered under an individual permit or an alternative general permit;
- g. Discharges of non-stormwater, except those authorized non-stormwater discharges listed in Part I.A.1.c;
- h. Discharges currently covered by a Division Low Risk Guidance Document;
- i. Process water discharges solely to ground water 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 (including the Division of Reclamation, Mining and Safety). This exclusion does not apply to discharges to groundwater that have a hydrologic connection to surface waters and for which the Division determines the surface waters requirements of Regulations 31 through 39, and 61 apply;

j. Process water discharges from operations that produce the following commodities (SIC Code in parentheses):

- Gypsum (1499);
- Asphaltic minerals (1499);
- Asbestos and wollastonite (1499);
- Barite (1479);
- Fluorspar (1479);
- Salines from brine lakes (2899);
- Borox (1474);
- Potash (1474);
- Phosphate Rock (1475);
- Sodium sulfate (1474);
- Frasch sulfur (1479);
- Bentonite (1459);
- Magnesite (1459);
- Diatomite (1499);
- Jade (1499);
- Novaculite (1499); and
- Tripoli (1499)

3. Chemical addition

Discharges with chemical addition (including, but not limited to chemical additions at any point in the treatment process, release agents, etc), are eligible for coverage under this permit only if the Division approves the use of the specific chemical(s) and provides notification of such approval to the permittee.

To request Division approval, the permit applicant must submit a list of proposed chemicals, including dosage rates, used in the treatment process. Additionally, the applicant must submit an MSDS for each chemical proposed for use. In granting the use of such chemicals, the Division may impose additional limitations and monitoring requirements in the permit certification. 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.

4. Obtaining and maintaining Authorization under this permit

a. **Application Requirements:** To obtain authorization for discharges under this permit:

- i. The applicant must meet the eligibility requirements under Parts I.A.1.
- ii. For stormwater discharges, the applicant must develop a Stormwater Management Plan (SWMP) in accordance with the requirements of this permit prior to submitting an application to the Division, and must certify in the application that a SWMP has been completed.
- iii. The applicant must submit a complete, accurate, and signed permit application, on a form provided by the Division, by mail or hand delivery to the Division at least **60 days** before the anticipated date of discharge; or for stormwater-only discharges, at least **60 days** before the facility commences industrial activity that may result in a discharge of stormwater. The applicant must sign the application in accordance with the requirements of Part I.F (Reporting and Recordkeeping) of this permit. The complete application 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, CO 80246-1530

- iv. The applicant(s) must receive written notification that the Division granted permit coverage.

b. **Permit Certification Procedures:** Following review of the application or other information, the Division may:

- i. request such additional information as is reasonably necessary to evaluate the discharge;
- ii. delay the authorization to discharge pending further review;
- iii. notify the applicant that additional terms and conditions are necessary;
- iv. provide a compliance schedule in the certification for terms and conditions that are new or more stringent than previous conditions;
- v. deny the authorization to discharge under this general permit.

The Division will notify the applicant in writing of its request or determination for items i. – v.

c. Alternative permits

- i. Division required alternate permit coverage: The Division may require an applicant or permittee to apply for an individual permit or an alternative general permit if it determines the discharge does not fall under the scope of this general permit. In this case, the Division will notify the applicant or permittee that an individual or alternate permit application is required.
- ii. Permittee request for alternate permit coverage: A permittee authorized to discharge under this general permit may request to be excluded from coverage by applying for an individual permit. In this case, the permittee must submit an individual application, with reasons supporting the request, to the Division at least 180 days prior to any discharge. The permittee's authorization to discharge under this general permit is terminated on the effective date of the individual permit.

d. Permit Expiration, and Continuation

A permittee desiring continued coverage under this general permit must reapply at least **180 days** in advance of the permit expiration date. The Division will determine if the permittee may continue to discharge 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.

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued and remain in force and effect. For permittees that have applied for continued permit coverage, discharges authorized under this permit prior to the expiration date will automatically remain covered by this permit until the earliest of:

- i. An authorization to discharge 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 new permit; or
- ii. The issuance and effect of a termination issued by the Division; or
- iii. The issuance or denial of an individual permit for the facility's discharges; or
- iv. 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
- v. The Division has informed the permittee that discharges previously authorized under this permit are no longer covered under this permit.

5. Transfer of permit coverage

A permittee may transfer coverage under this general permit to a new discharger if all of the following conditions are met:

- a. The permittee (existing discharger) and new discharger submit a complete and accurate Notice of Transfer form, signed by the permittee and the new legal entity, to the Division at the address listed in Part I.A.4, at least **30 days** prior to the proposed transfer date. The Notice of Transfer form must contain a specific date for transfer of permit responsibility, coverage, and liability.
- b. The type of industrial activities and practices remain substantially unchanged.
- c. The Division does not notify the permittee of the need to submit a new application for coverage under the general permit or for an individual permit.
- d. The Division does not notify the permittee and new discharger of its intent to revoke coverage under the general permit.

6. Modifying an existing permit

A permittee may modify an existing permit certification if all of the conditions identified below are met.

Modifications include but are not limited to: adding or removing discharge outfalls, introducing 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, **changing permit coverage from one that authorizes process water discharges (or process water and stormwater discharges), to one that authorizes stormwater discharges only** because the process water discharge has been terminated, etc. Note that modifications may be subject to a fee, consistent with Part II of the permit.

- a. The permittee must submit a complete and accurate Modification Form, signed by the permittee, to the Division at the address listed in Part I.A.4, at least **60 days** prior to implementing any requested modifications that result in a discharge to state waters.
- b. The permittee is not authorized to discharge under the modified conditions until the modified certification is issued and effective.

7. Permit Termination Procedures

To terminate permit coverage, the permittee must submit a complete and accurate Notice of Termination form, signed by the permittee, to the Division at the address listed in Part I.A.4. The permittee's authorization to discharge under this permit terminates as notified by the Division.

A Notice of Termination request that does not meet one or more of the conditions identified below is not valid. The permittee is responsible for complying with the terms of this permit until notified by the Division that the authorization is terminated.

Conditions for a Notice of Termination request include:

- a. Termination Criteria for facilities **with** Division of Reclamation, Mining and Safety (DRMS) financial and performance warranties

The Division may approve a Notice of Termination request when the following criteria are met for the entire sand and gravel facility:

- i. all permitted process water discharges authorized by this permit (as applicable to the facility), have ceased; and
- ii. all permitted stormwater discharges authorized by this permit have ceased because the industrial activity (including soil disturbing activities) has ceased, and no significant materials or industrial pollutants remain exposed to stormwater (i.e., all raw materials, intermediate products, byproducts, finished products and waste products have been removed or are not exposed to stormwater); and
- iii. the DRMS has released the permittee from further responsibility for the facility, and the permittee provides documentation with the Notice of Termination request that DRMS approved the applicable financial and performance warranty release.

- b. Termination Criteria for facilities **without** DRMS financial and performance warranties

The Division may approve a Notice of Termination request when the following criteria are met for the entire sand and gravel facility:

- i. all permitted process water discharges authorized by this permit (as applicable to the facility), have ceased; and
- ii. all permitted stormwater discharges authorized by this permit have ceased because the industrial activity (including soil disturbing activities) has ceased, and no significant materials or industrial pollutants remain exposed to stormwater (i.e., all raw materials, intermediate products, byproducts, finished products and waste products have been removed or are not exposed to stormwater); and
- iii. the site has attained final stabilization, with little evidence of soil erosion or other runoff problem, as follows:
 - a) a uniform, perennial vegetative cover has been established with a plant density of at least 70 percent of pre-disturbance levels, or equivalent permanent, physical erosion reduction methods have been employed;
 - b) all alternatives to vegetation must be permanent, must stabilize all disturbed areas, and all stabilization control measures must be selected, installed, and implemented following good engineering, hydrologic, and pollution control practices adequate to prevent pollution or degradation of State waters;

- iv. the permittee provides documentation with the Notice of Termination request that the above conditions for termination have been met for the facility, and includes photographic documentation of final stabilization conditions.
- c. The permittee has obtained authorization under an individual or alternative general permit for all facility discharges.
- d. No Exposure Certification. If the facility authorized to discharge stormwater-only under this permit becomes eligible for a no exposure exclusion from permitting under 5 CCR 1002-61.3(2)(h), the permittee may submit a complete and accurate No Exposure Certification to the Division at the address listed in Part I.A.4. The Division will terminate permit coverage using information provided in the No Exposure Certification form; the permittee does not need to submit a Notice of Termination.

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

B. PERMIT COMPLIANCE – Process water and stormwater

A permittee must comply with all the terms and conditions of this permit. Violation of the terms and conditions specified in this permit may be subject to civil and criminal liability pursuant to sections 25-8-601 through 612, C.R.S.. Correcting a permit violation does not remove the original violation. Failure to take any required corrective actions, as detailed in Part I.K (Corrective Actions), constitutes an independent, additional violation of this permit and may be subject to civil and criminal liability. However, where corrective action is triggered by an event that does not itself constitute permit noncompliance, such as an exceedance of an applicable benchmark, there is no permit violation unless the permittee fails to take the required corrective action within the relevant deadlines.

1. Facilities Operation and Maintenance

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

Any sludge produced at the wastewater treatment facility shall be disposed of in accordance with State and Federal guidelines and regulations. 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.

C. EFFLUENT LIMITATIONS and MONITORING REQUIREMENTS

In accordance with the Water Quality Control Commission Regulations for Effluent Limitations, Section 62.5; the Colorado Discharge Permit System Regulations, Section 61.8(2), 5 C.C.R. 1002-61; and the effluent limitation guidelines found 40 CFR Part 436 (Mineral Mining and Processing Point Source Category), the permitted discharge shall not contain effluent parameter concentrations that exceed the effluent limitations identified in this Part, and specified in the permit certification.

1. Process Water Discharge Effluent Limitations

The permittee shall monitor the effluent consistent with the requirements identified in Tables C.1.1 through C.1.6 and specified in the permit certification, as applicable to the permitted feature.

“Report Only” monitoring requirements for additional site-specific parameters may be included in the permit certification to obtain additional effluent quality data.

The permittee must conduct all required monitoring and reporting consistent with Parts I.E and I.F of this permit, unless otherwise noted.

a. Dimension Stone facilities (SIC code 1411)

Table C.1.1 – Applicable Limitations

ICIS Code	Parameter	Limitations				Monitoring Frequency		Sample Type
		30 day average	7 day average	Daily Max.	2 year average	Minor Facilities	Major Facilities	
General Permit Requirements								
50050	Flow, MGD ¹	Limit in cert.	----	Report	----	Monthly (Continuous or Instantaneous ²)	2x/month (Continuous or Instantaneous ²)	Recorder or In-situ
00400	pH, s.u.	----	----	6.5-9.0	----	2x/month	Weekly	Grab
84066	Oil and Grease, mg/l	----	----	----	----	2x/month	Weekly	Visual ³
03582	Oil and Grease, mg/l	----	----	10	----	Contingent	Weekly	Grab ³
00530	Total Suspended Solids, mg/l	30	45	----	----	2x/month	Weekly	Grab
Site Specific Requirements								
51500 1	Flow, Total, MG ⁴	Report Quarterly Total	----	----	----	Continuous or Instantaneous ²	Continuous or Instantaneous ²	Calculated
51500 EG	Flow, Total, MG ⁴	Report Monthly Total	----	----	----	Continuous or Instantaneous ²	Continuous or Instantaneous ²	Calculated
70295	Total Dissolved Solids, mg/l ⁵	Report	----	----	----	Quarterly	Quarterly	Grab
00665	Total Phosphorus (as P), mg/l ⁶	Various	Various	Various	----	Various	Various	Composite
00665	Total Phosphorus (as P), lb/month ⁶	Various	----	----	----	Various	Various	Calculated
00665	Total Phosphorus, cumulative lbs/previous 12 consecutive months	Various	----	----	----	Various	Various	Calculated
01323	Selenium, Potentially Dissolved, µg/l	Various	----	Various	Various	2x/month	Weekly	Grab
01323	Selenium, Potentially Dissolved, lbs/day ⁷	Various	----	Various	----	2x/month	Weekly	Calculated
00094	Electrical Conductivity (EC), dS/m	Various	----	----	----	Quarterly	Quarterly	Grab
Various	Other Pollutants of Concern	Various	----	Various	Various	Various	Various	Grab or Composite
Various	Whole Effluent Toxicity (WET)							
	Chronic	Stat Diff and IC25≥IWC			----	Quarterly	Quarterly	3 Composites/ Test
	Acute	LC50>100%			----			Grab

Note 1: Flow Limit – The chronic flow limit is equal to the flow rate provided in the permit application, and will be stated in the certification.

Note 2: Flow Measurement – If power is not available, flow may be measured on an instantaneous basis.

Note 3: Oil and Grease: – A visual observation of the discharge for each permitted outfall must be made 2 times per month or weekly, as stated in the certification. In the event an oil sheen or floating oil is observed, a grab sample shall be collected weekly, analyzed, and reported on the DMR. In addition, corrective action shall be taken immediately to mitigate the discharge of oil.

Note 4: Total Flow – Total flow is the cumulative flow of the discharge for the quarter or month in million gallons. If continuous flow monitoring is not conducted, the permittee must calculate the total flow for the month or quarter using the 30-day average flow (measured) and the number of days the facility discharged within the month or quarter.

Note 5: Total Dissolved Solids (TDS) – Analysis for salinity, measured as TDS, and a requirement to report quarterly total flow will be included in the permit certification for all discharges to the Colorado River Basin.

Note 6: 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 P. Monitoring requirements and effluent limitations vary depending on the applicable control regulation (Regulations 71 through 74).

Note 7: Selenium Loading Calculation -- To determine selenium loading values, use the calculation formula below:

Loading in lbs/day = (30 day average effluent flow in **MGD** × 30 day average selenium concentration in **mg/l**) × 8.34

$$1000 \text{ ug/l} = 1 \text{ mg/l}$$

b. Crushed Stone, and Construction Sand and Gravel (SIC codes 1422, 1423, 1429, 1442)

Table C.1.2 – Applicable Limitations

ICIS Code	Parameter	Limitations				Monitoring Frequency		Sample Type
		30 day average	7 day average	Daily Max.	2 year average	Minor Facilities	Major Facilities	
General Permit Requirements								
50050	Flow, MGD ¹	Limit in cert.	----	Report	----	Monthly (Continuous or Instantaneous ²)	2x/month (Continuous or Instantaneous ²)	Recorder/ In-situ
00400	pH, s.u.	----	----	6.5-9.0	----	2x/month	Weekly	Grab
84066	Oil and Grease, mg/l	----	----	----	----	2x/month	Weekly	Visual ³
03582	Oil and Grease, mg/l	----	----	10	----	Contingent	Weekly	Grab ³
00530	Total Suspended Solids, mg/l	30	45	----	----	2x/month	Weekly	Grab
Site Specific Requirements								
51500 1	Flow, Total, MG ⁴	Report Quarterly Total	----	----	----	Continuous or Instantaneous ²	Continuous or Instantaneous ²	Calculated
51500 EG	Flow, Total, MG ⁴	Report Monthly Total	----	----	----	Continuous or Instantaneous ²	Continuous or Instantaneous ²	Calculated
70295	Total Dissolved Solids, mg/l ⁵	Report	----	----	----	Quarterly	Quarterly	Grab
00665	Total Phosphorus (as P), mg/l ⁶	Various	Various	Various	----	Various	Various	Composite
00665	Total Phosphorus (as P), lb/month ⁶	Various	----	----	----	Various	Various	Calculated
00665	Total Phosphorus, cumulative lbs/previous 12 consecutive months	Various	----	----	----	Various	Various	Calculated
01323	Selenium, Potentially Dissolved, µg/l	Various	----	Various	Various	2x/month	Weekly	Grab
01323	Selenium, Potentially Dissolved, lbs/day ⁷	Various	----	Various	----	2x/month	Weekly	Calculated
00094	Electrical Conductivity (EC), dS/m	Various	----	----	----	Quarterly	Quarterly	Grab
Various	Other Pollutants of Concern	Various	----	Various	Various	Various	Various	Grab or Composite
Various	Whole Effluent Toxicity (WET)							
	Chronic	Stat Diff and IC25≥IWC			----	Quarterly	Quarterly	3 Composites/ Test
	Acute	LC50>100%			----			Grab

Notes 1-7 are located with Table C.1.1

c. Industrial Sand (SIC code 1446)

Table C.1.3 – Applicable Limitations for mine dewatering; and process-generated wastewater from facilities that DO NOT use HF Flotation

ICIS Code	Parameter	Limitations				Monitoring Frequency		Sample Type
		30 day average	7 day average	Daily Max.	2 year average	Minor Facilities	Major Facilities	
General Permit Requirements								
50050	Flow, MGD ¹	Limit in cert.	----	Report	----	Monthly (Continuous or Instantaneous ²)	2x/month (Continuous or Instantaneous ²)	Recorder/ In-situ
00400	pH, s.u.	----	----	6.5-9.0	----	2x/month	Weekly	Grab
84066	Oil and Grease, mg/l	----	----	----	----	2x/month	Weekly	Visual ³
03582	Oil and Grease, mg/l	----	----	10	----	Contingent	Weekly	Grab ³
Federal Effluent Limitation Guidelines								
00530	Total Suspended Solids, mg/l ⁸	25	----	45	----	2x/month	Weekly	Grab
Site Specific Requirements								
51500 1	Flow, Total, MG ⁴	Report Quarterly Total	----	----	----	Continuous or Instantaneous ²	Continuous or Instantaneous ²	Calculated
51500 EG	Flow, Total, MG ⁴	Report Monthly Total	----	----	----	Continuous or Instantaneous ²	Continuous or Instantaneous ²	Calculated
70295	Total Dissolved Solids, mg/l ⁵	Report	----	----	----	Quarterly	Quarterly	Grab
00665	Total Phosphorus (as P), mg/l ⁶	Various	Various	Various	----	Various	Various	Composite
00665	Total Phosphorus (as P), lb/month ⁶	Various	----	----	----	Various	Various	Calculated
00665	Total Phosphorus, cumulative lbs/previous 12 consecutive months	Various	----	----	----	Various	Various	Calculated
01323	Selenium, Potentially Dissolved, µg/l	Various	----	Various	Various	2x/month	Weekly	Grab
01323	Selenium, Potentially Dissolved, lbs/day ⁷	Various	----	Various	----	2x/month	Weekly	Calculated
00094	Electrical Conductivity (EC), dS/m	Various	----	----	----	Quarterly	Quarterly	Grab
Various	Other Pollutants of Concern	Various	----	Various	Various	Various	Various	Grab or Composite
Various	Whole Effluent Toxicity (WET)							
	Chronic	Stat Diff and IC25≥IWC			----	Quarterly	Quarterly	3 Composites/ Test
	Acute	LC50>100%			----			Grab

Notes 1-7 are located with Table C.1.1

Note 8: Precipitation Event Relief: As specified by the ELG, any overflow from facilities subject to Subpart D – Industrial Sand shall not be subject to the limitations for total suspended solids if the facility is designed, constructed, and maintained to contain or treat the volume of waste water which would result from a 10-year, 24-hour precipitation event.

c. Industrial Sand (SIC code 1446) (continued)

Table C.1.4 – Applicable Limitations for process-generated wastewater from facilities that use HF Flotation

ICIS Code	Parameter	Limitations				Monitoring Frequency		Sample Type
		30 day average	7 day average	Daily Max.	2 year average	Minor Facilities	Major Facilities	
General Permit Requirements								
50050	Flow, MGD ¹	Limit in cert.	----	Report	----	Monthly (Continuous or Instantaneous ²)	2x/month (Continuous or Instantaneous ²)	Recorder/ In-situ
00400	pH, s.u.	----	----	6.5-9.0	----	2x/month	Weekly	Grab
84066	Oil and Grease, mg/l	----	----	----	----	2x/month	Weekly	Visual ³
03582	Oil and Grease, mg/l	----	----	10	----	Contingent	Weekly	Grab ³
00951	Total Fluoride, mg/l ⁹	----	----	2.0	----	2x/month	2x/month	Grab
Federal Effluent Limitation Guidelines								
51412	Total Suspended Solids, lbs/1000 lbs production ⁸	0.023 lbs per 1,000 lbs total product	----	0.046 lbs per 1,000 lbs total product	----	2x/month	2x/month	Calculated
00951	Total Fluoride, lbs/1000 lbs production ⁸	0.003 lbs per 1,000 lbs total product	----	0.006 lbs per 1,000 lbs total product	----	2x/month	2x/month	Calculated
Site Specific Requirements								
51500 1	Flow, Total, MG ⁴	Report Quarterly Total	----	----	----	Continuous or Instantaneous ²	Continuous or Instantaneous ²	Calculated
51500 EG	Flow, Total, MG ⁴	Report Monthly Total	----	----	----	Continuous or Instantaneous ²	Continuous or Instantaneous ²	Calculated
70295	Total Dissolved Solids, mg/l ⁵	Report	----	----	----	Quarterly	Quarterly	Grab
00665	Total Phosphorus (as P), mg/l ⁶	Various	Various	Various	----	Various	Various	Composite
00665	Total Phosphorus (as P), lb/month ⁶	Various	----	----	----	Various	Various	Calculated
00665	Total Phosphorus, cumulative lbs/previous 12 consecutive months	Various	----	----	----	Various	Various	Calculated
01323	Selenium, Potentially Dissolved, µg/l	Various	----	Various	Various	2x/month	Weekly	Grab
01323	Selenium, Potentially Dissolved, lbs/day ⁷	Various	----	Various	----	2x/month	Weekly	Calculated
00094	Electrical Conductivity (EC), dS/m	Various	----	----	----	Quarterly	Quarterly	Grab

Various	Other Pollutants of Concern	Various	----	Various	Various	Various	Various	Grab or Composite
Various	Whole Effluent Toxicity (WET)							
	Chronic	Stat Diff and IC25≥IWC		----	Quarterly	Quarterly	3 Composites/ Test	
	Acute	LC50>100%		----			Grab	

Notes 1-7 are located with Table C.1.1

Note 8: Precipitation Event Relief: As specified by the ELG, any overflow from facilities subject to Subpart D – Industrial Sand shall not be subject to the limitations for total suspended solids if the facility is designed, constructed, and maintained to contain or treat the volume of waste water which would result from a 10-year, 24-hour precipitation event.

Note 9: Fluoride Water Quality Standard Based Effluent Limitation: The acute water quality based standard limitation of 2.0 mg/l for fluoride applies only on segments that are designated for domestic water supply use.

d. Kaolin; Ball Clay; and Clay, Ceramic, and Refractory Minerals, Not Elsewhere Classified, Excluding Bentonite and Magnesite (SIC codes 1455 and 1459)

Table C.1.5 – Applicable Limitations

ICIS Code	Parameter	Limitations				Monitoring Frequency		Sample Type
		30 day average	7 day average	Daily Max.	2 year average	Minor Facilities	Major Facilities	
General Permit Requirements								
50050	Flow, MGD ¹	Limit in cert.	----	Report	----	Monthly (Continuous or Instantaneous ²)	2x/month (Continuous or Instantaneous ²)	Recorder/ In-situ
00400	pH, s.u.	----	----	6.5-9.0	----	2x/month	Weekly	Grab
84066	Oil and Grease, mg/l	----	----	----	----	2x/month	Weekly	Visual ³
03582	Oil and Grease, mg/l	----	----	10	----	Contingent	Weekly	Grab ³
00530	Total Suspended Solids, mg/l	30	45	----	----	2x/month	Weekly	Grab
Site Specific Requirements								
51500 1	Flow, Total, MG ⁴	Report Quarterly Total	----	----	----	Continuous or Instantaneous ²	Continuous or Instantaneous ²	Calculated
51500 EG	Flow, Total, MG ⁴	Report Monthly Total	----	----	----	Continuous or Instantaneous ²	Continuous or Instantaneous ²	Calculated
70295	Total Dissolved Solids, mg/l ⁵	Report	----	----	----	Quarterly	Quarterly	Grab
00665	Total Phosphorus (as P), mg/l ⁶	Various	Various	Various	----	Various	Various	Composite
00665	Total Phosphorus (as P), lb/month ⁶	Various	----	----	----	Various	Various	Calculated
00665	Total Phosphorus, cumulative lbs/previous 12 consecutive months	Various	----	----	----	Various	Various	Calculated
01323	Selenium, Potentially Dissolved, µg/l	Various	----	Various	Various	2x/month	Weekly	Grab
01323	Selenium, Potentially Dissolved, lbs/day ⁷	Various	----	Various	----	2x/month	Weekly	Calculated
00094	Electrical Conductivity (EC), dS/m	Various	----	----	----	Quarterly	Quarterly	Grab
Various	Other Pollutants of Concern	Various	----	Various	Various	Various	Various	Grab or Composite
Various	Whole Effluent Toxicity (WET)							
	Chronic	Stat Diff and IC25≥IWC			----	Quarterly	Quarterly	3 Composites/ Test
	Acute	LC50>100%			----			Grab

Notes 1-7 are located with Table C.1.1

e. Graphite Mining (SIC code 1499)

Table C.1.6 – Applicable Limitations

ICIS Code	Parameter	Limitations				Monitoring Frequency		Sample Type
		30 day average	7 day average	Daily Max.	2 year average	Minor Facilities	Major Facilities	
General Permit Requirements								
50050	Flow, MGD ¹	Limit in cert.	----	Report	----	Monthly (Continuous or Instantaneous ²)	2x/month (Continuous or Instantaneous ²)	Recorder/ In-situ
00400	pH, s.u.	----	----	6.5-9.0	----	2x/month	Weekly	Grab
84066	Oil and Grease, mg/l	----	----	----	----	2x/month	Weekly	Visual ³
03582	Oil and Grease, mg/l	----	----	10	----	Contingent	Weekly	Grab ³
Federal Effluent Limitation Guidelines								
00530	Total Suspended Solids, mg/l	10	----	20	----	2x/month	Weekly	Grab
74010	Total Iron, mg/l	1	----	2	----	2x/month	Weekly	Grab
Site Specific Requirements								
51500 1	Flow, Total, MG ⁴	Report Quarterly Total	----	----	----	Continuous or Instantaneous ²	Continuous or Instantaneous ²	Calculated
51500 EG	Flow, Total, MG ⁴	Report Monthly Total	----	----	----	Continuous or Instantaneous ²	Continuous or Instantaneous ²	Calculated
70295	Total Dissolved Solids, mg/l ⁵	Report	----	----	----	Quarterly	Quarterly	Grab
00665	Total Phosphorus (as P), mg/l ⁶	Various	Various	Various	----	Various	Various	Composite
00665	Total Phosphorus (as P), lb/month ⁶	Various	----	----	----	Various	Various	Calculated
00665	Total Phosphorus, cumulative lbs/previous 12 consecutive months	Various	----	----	----	Various	Various	Calculated
01323	Selenium, Potentially Dissolved, µg/l	Various	----	Various	Various	2x/month	Weekly	Grab
01323	Selenium, Potentially Dissolved, lbs/day ⁷	Various	----	Various	----	2x/month	Weekly	Calculated
00094	Electrical Conductivity (EC), dS/m	Various	----	----	----	Quarterly	Quarterly	Grab
Various	Other Pollutants of Concern	Various	----	Various	Various	Various	Various	Grab or Composite
Various	Whole Effluent Toxicity (WET)							
	Chronic	Stat Diff and IC25≥IWC			----	Quarterly	Quarterly	3 Composites/ Test
	Acute	LC50>100%			----			Grab

Notes 1-7 are located with Table C.1.1

Note 8: As specified by the ELG, for facilities subject to Subpart AL – Graphite, only that volume of water resulting from precipitation that exceeds the maximum safe surge capacity of a process waste water impoundment may be discharged from that impoundment. The height difference between the maximum safe surge capacity level and the normal operating level must be greater than the inches of rain representing the 10-year, 24-hour rainfall event as established by

the National Climatic Center, National Oceanic and Atmospheric Administration for the locality in which such impoundment is located.

2. Stormwater Discharge Effluent Limitations

a. Practice Based Effluent Limitations

i. Minimize exposure

The permittee must minimize the exposure of pollutant sources associated with manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain, snow, snowmelt, and runoff. Minimizing exposure may include locating these industrial materials and activities inside or protecting them with storm resistant coverings.

ii. Good housekeeping

The permittee must keep clean all areas exposed to stormwater runoff, as necessary to minimize potential sources of pollutants, using such measures as sweeping at regular intervals, keeping materials orderly and labeled, and storing materials in appropriate containers.

iii. Maintenance of Control Measures

The permittee must maintain all control measures (structural and non-structural) used to achieve the effluent limits required by this permit in effective operating condition. The permittee must conduct maintenance of control measures in accordance with Part.I.G (Control Measures) of this permit.

iv. Spill prevention and response procedures

The permittee must minimize the potential for leaks, spills and other releases that may be exposed to stormwater and develop plans for effective response to such potential spills. The permittee must at a minimum implement:

- a) Procedures for regularly inspecting, testing, maintaining, and repairing all industrial equipment and systems to avoid situations that may result in leaks, spills, and other releases of pollutants in stormwater discharged to receiving waters.
- b) Procedures for plainly labeling containers that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur;
- c) Preventative measures such as barriers between material storage and traffic areas, secondary containment provisions, or procedures for material storage and handling;
 - Permittees must implement control measures (secondary containment or equivalent protection) for any chemical (e.g., petroleum products, pesticides, magnesium chloride, treatment chemicals, etc.) located at the facility to contain all spills and prevent any spilled material from entering state waters. The containment system must have sufficient capacity to contain 10% of the volume of containers, or the volume of the largest container plus 10%, whichever is greater.
- d) Procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases. Employees who may cause, detect, or respond to a spill or leak must be trained in these procedures and have necessary spill response equipment available; and
- e) Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies. Contact information must be in locations that are readily accessible and available.

v. Erosion and sediment controls

The permittee must stabilize exposed areas and manage runoff using structural and/or non-structural control measures to minimize onsite erosion and sedimentation, and the resulting discharge of pollutants. Among other actions taken to meet this effluent limit, flow velocity dissipation devices must be placed at discharge locations and within outfall channels where necessary to minimize erosion and/or settle out pollutants.

vi. Management of runoff and Pollutant Removal

The permittee must divert; infiltrate; reuse; contain; or treat stormwater runoff to remove pollutants, in a manner that minimizes pollutants in stormwater discharges from the site.

vii. Salt storage piles or piles containing salt

The permittee must enclose or cover storage piles of salt, or piles containing salt, used for deicing or other commercial or industrial purposes, including maintenance of paved surfaces, and implement appropriate measures to minimize exposure resulting from adding to or removing materials from the pile. Piles do not need to be enclosed or covered if stormwater runoff from the piles is not discharged or if discharges from the piles are authorized under another permit.

viii. Employee Training

The permittee must develop and implement a training program for employees. Training must be conducted at least **annually**, and must address the following, as applicable to the trainee's activities: the site-specific control measures used to achieve the effluent limits in this Part, components and goals of the SWMP, monitoring and inspection procedures, and other applicable requirements of the permit. At a minimum, the following individuals must be trained:

- a) Employee(s) overseeing implementation of, revising, and amending the SWMP.
- b) Employee(s) performing installation, inspection, maintenance, and repair of control measures.
- c) Employee(s) who work in areas of industrial activity subject to this permit.
- d) Employee(s) who conduct stormwater discharge monitoring required by Part.I.I of this permit.

ix. Non stormwater discharges

The permittee must eliminate non-stormwater discharges not authorized by this or any other CDPS permit, or conducted in accordance with a Division Low Risk Guidance document.

x. Waste, Garbage and Floatable Debris

The permittee must minimize the discharge of waste, garbage, and floatable debris from the site by keeping exposed areas free of such materials or by intercepting them before they are discharged.

xi. Dust generation and vehicle tracking of industrial materials

The permittee must minimize generation of dust and off-site tracking of raw, final, or waste materials.

b. Water Quality Based Effluent Limitationsi. Water Quality Standards

Discharges authorized under this permit must be controlled as necessary to meet applicable water quality standards.

The Division expects that compliance with all other terms and conditions in this permit will control discharges as necessary to meet applicable water quality standards. If at any time the permittee becomes aware, or the Division determines, that the authorized discharge causes or contributes to an exceedance of applicable water quality standards, the permittee must conduct, document, and report corrective action as required in Part I.K (Corrective Actions).

If information in the application, required reports, or from other sources indicates that compliance with the other terms and conditions of this permit will not control the discharge as necessary to meet applicable water quality standards, the Division may include a site-specific water quality-based effluent limitation in the permit certification, or require the permittee to obtain coverage under an individual permit. The Division may include a compliance schedule for any new or revised water quality-based effluent limitation included in a permit certification, as appropriate. The Division may also include additional terms and conditions in the permit certification to determine whether compliance with the remaining terms and conditions of the permit will control the discharge as necessary to meet applicable water quality standards, or to monitor compliance with a site-specific water quality-based effluent limitation.

ii. Additional requirements for discharge to water quality impaired waters

- a) **Existing** Discharge to an Impaired Water **with** an EPA Approved or Established TMDL. Where a pollutant and applicable water quality standard has been identified, the Division may apply the monitoring requirements of Part I.I.3 in the permit certification.

When the Division determines that compliance with the other terms and conditions of this permit will not control the discharge as necessary to be consistent with the assumptions and requirements of the TMDL, including any wasteload allocation for the facility, the Division may include a site-specific water quality-based effluent limitation in accordance with Part I.C.2.b.i above in the permit certification, or inform the permittee if coverage under an individual permit is necessary. The Division may also include additional terms and conditions in the permit certification to determine whether the discharge is consistent with the assumptions and requirements of the TMDL.

- b) **Existing** Discharge to an Impaired Water **without** an EPA Approved or Established TMDL. Where a pollutant and applicable water quality standard has been identified, the Division may apply the monitoring requirement of Part I.I.3 in the permit certification. Note that this provision also applies to situations where the Division determines that the discharge may need to be controlled as necessary to meet water quality standards in a downstream water segment, even if the discharge is to a receiving water that is not specifically identified on a Section 303(d) list.
- c) **New** Discharge to an Impaired Water. Where a pollutant and applicable water quality standard has been identified, the Division will make a determination whether the discharge has reasonable potential to cause or contribute to an exceedance of the applicable water quality standard for the identified pollutant. Where reasonable potential is determined, the Division will include monitoring requirements of Part I.I.3 and/or a site-specific water quality-based effluent limitation in accordance with Part I.C.2.b.i. The water quality-based effluent limitation will be narrative, and consistent with the following statement:

“Discharges authorized under this permit must be controlled as necessary to meet the applicable water quality standard for [*the subject pollutant*] at the point of discharge (end of pipe).”

iii. Additional requirements for discharges to waters designated as critical habitat for threatened and endangered species

Where a pollutant and applicable water quality standard has been identified, the Division may apply the monitoring requirements of Part I.I.3 in the permit certification. The Division may also include additional terms and conditions in the permit certification to determine whether compliance with the remaining terms and conditions of the permit will control the discharge as necessary to eliminate or minimize the potential for no more than minor detrimental effects to listed species in regards to receiving water mixing (October 2005 Memorandum of Agreement (MOA) entered into by the Division, EPA, and USFWS).

iv. Additional requirements for new or increased discharges to reviewable waters

If the Division determines that compliance with the other terms and conditions of this permit will not control the discharge as necessary to be consistent with the applicable antidegradation requirements, the Division may include additional terms and conditions in accordance with Part I.C.2.b.i above in the permit certification, or inform the permittee if coverage under an individual permit is necessary.

D. WHOLE EFFLUENT TOXICITY (WET) TESTING REQUIREMENTS – Process water and stormwater

The Division may require WET testing for discharges on a site-specific basis, to ensure that there are no discharges of pollutants "in amounts, concentrations or combinations which are harmful to the beneficial uses or toxic to humans, animals, plants, or aquatic life", as required by Section 31.11 (1) of the Basic Standards and Methodologies for Surface Waters. WET testing requirements are identified below. Appendix B identifies the test results that constitute a failure and/or violation of WET; and automatic compliance response triggers and associated required actions.

1. WET Test Requirements

- a. **Acute Testing Requirements:** For facilities where acute WET testing is required, the permittee shall conduct an acute 48-hour WET test using *Ceriodaphnia dubia*, and an acute 96-hour WET test using *Pimephales promelas*. Acute tests shall be conducted as a static replacement test using a single effluent grab sample. The permittee shall conduct each acute WET test in accordance with the 40 CFR Part 136 methods described in Methods for Measuring the Acute Toxicity of Effluents and Receiving Water to Freshwater and Marine Organisms, Fifth Edition, October 2002 (EPA-821-R-02-012) or its most current edition.
- b. **Chronic Testing Requirements:** For facilities where chronic WET testing is required, the permittee shall conduct the chronic WET test using *Ceriodaphnia dubia* and *Pimephales promelas*, as a static renewal 7-day test using three separate composite samples. The permittee shall conduct each chronic WET test in accordance with the 40 CFR Part 136 methods described in Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Water to Freshwater Organisms, Fourth Edition, October 2002 (EPA-821-R-02-013) or the most current edition.

For the chronic *Ceriodaphnia dubia* test, the termination requirement shall be where 80% or more of the surviving control females having produced their third brood. If this requirement is not met, the test is considered invalid and retesting must be performed during the monitoring period. The permittee will be required to submit documentation showing that the appropriate number of the surviving control females have had their third brood with the WET information summary that is submitted to the Division with the WET test results.

- c. **Acute and Chronic Testing Requirements:** The minimum dilution series to be used at the facility will be specified in the certification. If the permittee uses more dilutions than prescribed, and accelerated testing is to be performed, the same dilution series shall be used in the accelerated testing as was used in the failed test.

All WET tests shall be done at the frequency listed in Part I.C.1. Test results shall be reported along with the Discharge Monitoring Report (DMR) submitted for the end of the reporting period when the sample was taken. (i.e., WET testing results for the calendar quarter ending March 31 shall be reported with the DMR due April 28, etc.) The permittee shall submit all laboratory statistical summary sheets, summaries of the determination of a valid, invalid or inconclusive test, and copies of the chain of custody forms, along with the DMR for the reporting period.

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

2. Toxicity Reopener

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

E. GENERAL MONITORING AND SAMPLING REQUIREMENTS – Process water and stormwater

1. Monitoring Periods and Monitored outfalls

Monitoring requirements in this permit begin in the first full month following the permit effective date. Applicable monitoring requirements apply to each outfall authorized by this permit, except as otherwise exempt from monitoring as a “substantially identical outfall” (for stormwater only - see Part I.H.1 of the permit).

2. Representative sampling and Monitoring points

Samples and measurements taken for the respective identified monitoring points required in the permit certification shall be representative of the volume and nature of the wastestream and/or effluent. Monitoring points shall be so designed or modified so that a sample of the effluent can be obtained at a point after the final treatment process and prior to discharge to state waters. All samples shall be taken at the monitoring points specified in the permit certification and, when specified, before the effluent joins or is diluted by any other wastestream, body of water, or substance. Monitoring points shall not be changed without a modification request submitted to and approval by the Division. The permittee shall provide access to the

Division to sample at these points. Except where specified, grab samples shall be used for all monitoring and shall not be combined.

3. Adverse Weather Conditions

When adverse weather conditions prevent sample collection according to the relevant monitoring schedule, the permittee must take a substitute sample, as possible, during the remaining monitoring period; for stormwater, the permittee must take a substitute sample during the next qualifying storm event. Adverse conditions are those that are dangerous or create inaccessibility for personnel, such as local flooding, high winds, or electrical storms.

Adverse weather does not exempt the permittee from having to file timely DMRs. The permittee must report any failure to monitor and indicate the basis for not sampling during the usual reporting period.

4. Analytical requirements

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 E.4-1, below.
- 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, 30-day average, 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 is 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.

Table E. 4-1. Practical Quantitation Limits (PQLs) – Metals, inorganics, nutrients, radiological parameters, and nonylphenol

Parameter	Reporting Units	PQL	Parameter	Reporting Units	PQL
Aluminum	µg/L ¹	15	Ammonia Nitrogen	mg/L ² N	0.2
Antimony	µg/L	2	Nitrate+Nitrite Nitrogen	mg/L N	0.1
Arsenic	µg/L	1	Nitrate Nitrogen	mg/L N	0.1
Barium	µg/L	1	Nitrite Nitrogen	mg/L N	0.05
Beryllium	µg/L	2	Total Kjeldahl Nitrogen	mg/L N	0.5
Boron	µg/L	20	Total Nitrogen	mg/L N	0.5
Cadmium	µg/L	0.5	Total Inorganic Nitrogen	mg/L N	0.2
Calcium	µg/L	120	Phosphorus	mg/L P	0.05 ³
Chromium	µg/L	20	BOD/CBOD	mg/L	2
Chromium, Trivalent	µg/L	---	Chloride	mg/L	2
Chromium, Hexavalent	µg/L	20 ^{3,4}	Total Residual Chlorine, DPD	mg/L	0.5
Copper	µg/L	2	Total Residual Chlorine, Amperometric	mg/L	0.05
Iron	µg/L	20 ³	Cyanide	µg/L	10 ³
Lead	µg/L	0.5	Fluoride	mg/L	0.5
Magnesium	µg/L	35	Phenols	µg/L	30
Manganese	µg/L	2	Sulfate	mg/L	2
Mercury	µg/L	0.2 ³	Sulfide	mg/L H ₂ S	0.1
Mercury, Low Level	µg/L	0.002	Total Dissolved Solids (TDS)	mg/L	10
Molybdenum	µg/L	0.5	Total Suspended Solids (TSS)	mg/L	5
Nickel	µg/L	1	Radium-226	pCi/L	1
Selenium	µg/L	1 ³	Radium-228	pCi/L	1
Silver	µg/L	0.5	Uranium	µg/L	1
Sodium	µg/L	150	Nonylphenol, ASTM D7065	µg/L	10
Thallium	µg/L	0.5			
Zinc	µg/L	10			

¹ µg/L = micrograms per liter

² mg/L = milligrams per liter

³ PQL established based on parameter specific evaluation

⁴ For hexavalent chromium, samples must be unacidified so dissolved concentrations will be measured rather than potentially dissolved concentrations.

5. Flow Measuring Device – Process water discharges

The permittee shall provide flow measuring and metering to give representative values of throughput and treatment of the wastewater system. The flow measuring device may be equipped with a local flow indication instrument and a flow indication-recording-totalization device suitable for providing permanent flow records.

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

6. Extra monitoring

If the permittee, using an approved analytical method, 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 (DMRs) or other forms as required by the Division. Such increased frequency shall also be indicated.

F. **REPORTING AND RECORDKEEPING – Process water and stormwater**

1. Routine Reporting of data – DMRs

As directed by the Division, the permittee may be required to report the data gathered in compliance with Parts I.C on a **monthly** basis for those facilities subject to a WLA and associated concentration based WQBEL in the permit certification; reporting shall be on a **quarterly** basis for all other facilities. Reporting of all data shall comply with the requirements of Part I.E. (General Monitoring and Sampling Requirements) and Part I.F. (Reporting and Recordkeeping) of this permit.

Starting December 21, 2016, the permittee must electronically report DMRs by using the EPA's Net-DMR service unless a waiver is granted in compliance with 40 CFR 127.

If submitted on paper, the data must be reported on Division approved discharge monitoring report (DMR) forms (EPA form 3320-1). The permittee must submit these forms by mail. 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

For both electronic and paper reporting the data must be received no later than the 28th day of the following month (for example, the DMR for the first calendar quarter must be received by the Division by April 28th). If no discharge occurs during the reporting period, "No Discharge" shall be reported.

The Discharge Monitoring Report paper and electronic 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.F.4.

2. Additional Reporting

In addition to the reporting requirements stipulated in this Part, the permittee is also subject to the standard permit reporting provisions of Part II of this permit.

3. Records

- a. The permittee shall establish and maintain records. Those records shall include, but not be limited to, the following:
 - i. The date, type, exact place, and time of sampling or measurements;
 - ii. The individual(s) who performed the sampling or measurements;
 - iii. The date(s) the analyses were performed;
 - iv. The individual(s) who performed the analyses;
 - v. The analytical techniques or methods used; and
 - vi. The results of such analyses.
 - vii. 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).
- b. 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 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.

4. Signatory and certification requirements

- a. All reports and other information required by the Division, shall be signed and certified for accuracy by the permittee in accord with the following criteria:
 - i. In the case of corporations, by a 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:
 - a) The authorization is made in writing by a person described in i, ii, iii, or iv above;
 - b) 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
 - c) The written authorization is submitted to the Division.
- b. 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."

G. CONTROL MEASURES – Stormwater only

All control measures used by the permittee to meet the effluent limitations contained in this permit must be selected, designed, installed, implemented, and maintained in accordance with good engineering hydrologic and pollution control practices, and the manufacturer's specifications, when applicable.

The term "**Minimize**", for purposes of implementing control measures to meet the requirements of Part I.C.2 of this general permit, means reduce and/or eliminate to the extent achievable using control measures that are technologically available and economically practicable and achievable in light of best industry practice.

1. Installation and implementation specifications

Installation and implementation specifications for each control measure type used by the permittee to meet the effluent limitations contained in this permit, must be retained with the SWMP (see Part I.M of this general permit).

2. Maintenance of Control Measures and Associated Documentation

- a. The permittee must maintain all control measures used to achieve the effluent limits required by this permit in effective operating condition (see Part I.C.2). For this permit, maintenance includes preventative and routine maintenance, modification, repair, replacement, or installation of new control measures. Observations resulting in maintenance activities can be made during a site inspection, or during general observations of site conditions.
- b. Corrective actions associated with maintaining control measures must be conducted with due diligence, as soon as possible after the need is discovered, to achieve the effluent limits required by this permit. The permittee must implement interim control measures to achieve the effluent limits required by this permit while performing maintenance of the primary control measure.
- c. The permittee shall document corrective actions associated with maintaining control measures, in accordance with Part I.K (Corrective Actions) of this permit, and shall revise the facility SWMP to reflect replacement or installation of new control measures.

H. GENERAL MONITORING REQUIREMENTS – Stormwater only

1. Substantially identical outfalls

When a facility has two or more outfalls that, based on a consideration of features (e.g. grass vs. pavement, slopes, catch basins vs. swales) and activities within the area drained by the outfall, the permittee reasonably believes discharge substantially identical effluents, the permittee may monitor the effluent of one such outfall and report that the results also apply to the substantially identical outfalls.

- a. For visual assessments, this provision applies only when visual assessments are rotated between each substantially identical outfall throughout the period of the permittees coverage under this permit.
- b. As required in Part I.M.8, the SWMP must describe the rationale for any substantially identical outfall determinations.

2. Measurable storm events and Delayed release of stormwater

- a. Rain event: The permittee must conduct all required monitoring on a storm event that results in an actual discharge from the facility (“measurable storm event”), which includes discharges to surface water within the facility permit boundary, and that follows the preceding measurable storm event by at least 72 hours (3 days).
- b. Snowmelt event: The permittee must conduct snowmelt monitoring at a time when a measurable discharge occurs from the facility, which includes discharges to surface water within the facility permit boundary occurs.
- c. Delayed release of stormwater: In the event stormwater is detained at the facility (such as in a detention pond/area), and discharges or is manually released at a later date, the permittee must conduct all required monitoring at the time of release, and record Storm Event information (see Part I.H.3, below) for the previous measureable storm event.

This requirement pertains to those discharges that result in an actual discharge from the facility, or that discharge to surface water within the facility permit boundary. Discharges from the mining pit (process water) are not subject to this provision.

3. Storm event information

- a. Rain event: For each measurable storm event that is monitored to meet the requirements of the permit, the permittee must document:
 - i. The date, time of the start of the discharge, time of sampling, duration (in hours) of the rainfall event, and magnitude (in inches) of the storm event sampled; and
 - ii. The duration between the storm event sampled and the end of the most recent storm event that produced a discharge

This documentation is required only for those storm events that result in a discharge that the permittee monitors.

- b. Snowmelt monitoring: The permittee must document the date of the sampling event for each monitored snowmelt event. This documentation is required only for those snowmelt events that result in a discharge that the permittee monitors.

4. Sample Type and Requirements

- a. Grab samples shall be used for all monitoring and shall not be combined.
- b. Permittees must take a minimum of one grab sample from a discharge resulting from a measurable storm event.
- c. Grab samples must be collected within the first 30 minutes of a measurable storm event (see Part I.H.2). If it is not possible to collect the sample within the first 30 minutes of a measurable storm event, the sample must be collected as soon as practicable after the first 30 minutes, and documentation must be kept with the SWMP explaining why it was not possible to take samples within the first 30 minutes.
- d. In the case of snowmelt, samples must be taken during a period with a measurable discharge.
- e. All discharge samples at a facility must be taken during the same storm event, if feasible.

5. Climates with Irregular Stormwater Runoff

- a. If a facility is located in an area where limited rainfall occurs during parts of the year, or in areas where freezing conditions exist that prevent runoff from occurring for extended periods, the permittee may submit a modification request to the Division, to change the required monitoring events to seasons when precipitation occurs, or when snowmelt results in a measurable discharge from the facility.
- b. The permittee must still collect the required number of samples.
- c. The permittee must maintain the revised monitoring schedule with the facility's SWMP as specified in Part I.M.8.

6. Monitoring for allowable non-stormwater discharges

A permittee is only required to monitor allowable non-stormwater discharges (as delineated in Part I.A.1.c) when they are commingled with stormwater discharges associated with industrial activity.

7. Monitoring Exceptions for Inactive and Unstaffed Sites

The requirement that permittees conduct and document visual monitoring, benchmark sampling, or water quality standards monitoring of stormwater discharges does not apply at inactive and unstaffed sites (please see Appendix C - Definitions for how the term 'inactive' is used in this permit). Routine reporting of DMR data must follow the reporting conventions required at the Stormwater Specific Reporting and Recordkeeping section (Part I.N) of the permit.

Additional requirements apply to these facilities, as provided below.

- a. At inactive and unstaffed facilities that **maintain a condition of no exposure**, i.e., there are no industrial materials or activities exposed to stormwater:
 - i. The permittee must maintain a statement in the facility SWMP (Part I.M.8) indicating that the site is inactive and unstaffed (and associated dates), and that there are no industrial materials or activities exposed to precipitation, in accordance with the substantive requirements in 5 CCR 1002-61.3(2)(h). The statement must be signed and certified in accordance with Part I.F (Reporting and Recordkeeping).
 - ii. If conditions change and industrial materials or activities become exposed to stormwater, this exception no longer applies and instead, the exception at Part I.H.7.b, below, applies.
- b. At inactive and unstaffed facilities that **do not maintain a condition of no exposure**, the permittee must conduct additional facility inspections as required at Part I.J.4 of this permit.

- c. If conditions change and the facility becomes active and/or staffed, exceptions under this part **no longer apply** and the permittee must **immediately** resume quarterly visual monitoring and benchmark sampling, and applicable water quality standards sampling at the frequency identified in the permit certification.
- d. The presence of staff at the facility to conduct required facility inspections does not change the inactive and unstaffed status of the facility for the purposes of this part.

8. Monitoring Exceptions for Completed and Finally Stabilized Areas

The requirement that permittees conduct and document visual monitoring, benchmark sampling, or water quality standards monitoring of stormwater discharges does not apply at completed facilities, completed portions of facilities, or finally stabilized portions of facilities that meet all of the following conditions:

- a. All industrial activities (such as mining, processing, batch plant activities, other land disturbing activities, fueling, loading/unloading etc.) are **temporarily** or **permanently** complete in the specified area, where temporarily complete means that such industrial activities are not currently conducted at the facility, but may recommence in the future; and
- b. The permittee has implemented **all** final stabilization measures (with or without seeding) to enable the specified area to attain final stabilization, or the specified area has attained final stabilization consistent with Part.I.A.7.a or b of the permit; and
- c. All final stabilization measures are selected, designed, installed, implemented and maintained in accordance with good engineering hydrologic and pollution control practices such that they effectively reduce pollutant potential and the potential for control measure failure for the designated area; and
- d. The permittee amended the SWMP to identify those areas for which this exception applies, including the date the areas met the exception conditions.

Stormwater discharges from portions of facilities that are permanently stabilized (i.e., meet the termination criteria at Part I.A. 7.b of the permit, or have obtained an Acreage (or partial) Release from the DRMS for that portion of the facility) no longer require CDPS permit coverage, as the discharge no longer meets the definition of “stormwater discharges associated with industrial activity” pursuant to Regulation 61.3(2). In such cases, the permittee may request that the division reduce the facility permit boundary by the relevant portion of the facility.

9. Revocation of Monitoring Exception

The division retains the authority to revoke any Monitoring Exception identified in this Part where it is determined that the discharge causes, has a reasonable potential to cause, or contributes to an instream excursion above an applicable water quality standard, including designated uses.

I. SPECIFIC MONITORING REQUIREMENTS – Stormwater only

1. Visual Monitoring

Once each **quarter** for the entire permit term, the permittee must collect a stormwater sample from each outfall (or a substantially identical outfall pursuant to Part I.H.1 above) and conduct a visual assessment of each of these samples.

- a. These samples should be collected in such a manner that the samples are representative of the stormwater discharge.
- b. The visual assessment must be made of a sample in a clean, clear glass or plastic container, and examined in a well-lit area. The permittee must visually inspect the sample for the presence of the following water quality characteristics:
 - i. Color;
 - ii. Odor;
 - iii. Clarity;
 - iv. Floating solids;
 - v. Settled solids;

- vi. Suspended solids;
 - vii. Foam;
 - viii. Oil sheen; and
 - ix. Other obvious indicators of stormwater pollution.
- c. Quarterly Visual Assessment Documentation. The permittee must document the visual assessment results and maintain this documentation onsite with the facility SWMP as required in Part I.M.8. The permittee is not required to submit visual assessment findings to the Division, unless specifically requested to do so. At a minimum, visual assessment documentation of the must include:
- i. Sample location(s);
 - ii. Sample collection date and time, and visual assessment date and time for each sample;
 - iii. Personnel collecting the sample and performing visual assessment, and their signatures;
 - iv. Nature of the discharge (i.e., runoff or snowmelt);
 - v. Results of observations of the stormwater discharge;
 - vi. Probable sources of any observed stormwater contamination; and
 - vii. If applicable, why it was not possible to take samples within the first 30 minutes.
- d. Quarterly Visual Assessment Corrective Actions: If the visual assessment indicates the control measures for the facility are inadequate or are not being properly operated and maintained, the permittee must conduct corrective actions consistent with Part I.K (Corrective Actions) of this permit.
- e. The permittee shall maintain visual monitoring procedures in the SWMP as required in Part I.M.8.

2. Benchmark Monitoring

This permit provides pollutant benchmark concentrations that may be applicable to the discharge authorized by this permit. The benchmark concentrations are not effluent limitations; a benchmark exceedance, therefore, is not a permit violation. When the discharge exceeds an applicable benchmark concentration, the permittee must conduct corrective actions consistent Part I.K (Corrective Actions) of this permit. Failure to respond to benchmark value exceedances is a violation of the permit.

a. Applicability of Benchmark Monitoring

The permittee shall monitor at each benchmark sampling location for each benchmark parameter(s) specified for the industrial activity in **Part I.O – Asphalt Batch Plants**, and **Part I.P – Concrete Batch Plants** of this permit. The Division may also include a site specific benchmark in a permit certification as appropriate to ensure that compliance with the other terms and conditions of the permit will control discharges as necessary to meet water quality based effluent limitations contained in Part I.C.2.b of the permit.

b. Benchmark Monitoring Schedule

Benchmark monitoring must be conducted **quarterly**, for the first **4** full quarters of permit coverage. Exceptions to this schedule include:

- i) Permittees at facilities in climates with irregular stormwater runoff may request a modification of this quarterly schedule as specified in Part I.H.5 of this permit.

c. Averaging monitoring values

Permittees must calculate average concentrations in accordance with the requirements of Part I.E.4 of this permit.

d. Benchmark Monitoring Actions – Data not exceeding benchmarks

After collecting **4** benchmark samples, if the average of the monitoring values for any parameter, at a specific outfall, does not exceed the benchmark, the permittee may reduce benchmark monitoring frequency for that parameter to **once-per-year**, rotating through the quarterly monitoring periods. DMR reporting shall be consistent with Part I.N of this permit.

e. Benchmark Monitoring Actions – Data exceeding benchmarks

- i) If the averaged monitoring values for any parameter, at a specific outfall, exceeds the benchmark, as described in a) through c) below, the permittee must conduct corrective action in accordance with Part I.K—Corrective Actions of this permit.
 - a) The average of the initial **4** quarterly sample monitoring values for any parameter exceeds the benchmark.
 - b) If less than **4** benchmark samples have been taken, but the sum of the quarterly sample results to date is more than **4** times the benchmark level (i.e., an exceedance of the **4** quarter average is mathematically certain), this is considered a benchmark exceedance.
 - c) If any of the annual samples taken after the first **4** quarterly samples (i.e., samples **5** through **8**), when averaged with the proceeding samples, causes an average monitoring value that exceeds the benchmark for any parameter, this is considered a benchmark exceedance.
- ii) Following control measure(s) modification, the permittee must continue **quarterly** monitoring for **4** additional quarters. For this monitoring:
 - a) If the average of the monitoring values for any parameter does not exceed the benchmark, the permittee may monitor once-per-year as described in Part I.I.2.d, above.
 - b) If the average of the monitoring values for any parameter still exceeds the benchmark (or if an exceedance of the benchmark by the 4 quarter average is mathematically certain prior to conducting the full 4 additional quarters of monitoring), the permittee must again conduct corrective actions consistent with Part I.K (Corrective Actions) of this permit unless the Division waives the requirement for additional monitoring and corrective action.

3. Water Quality Standards Monitoring

a. Applicability of water quality standards monitoring

Consistent with the provisions in Part I.C.2., the Division may apply monitoring conditions (i.e., sampling parameters, sampling frequency, and sample type) in the permit certification issued to a permittee for discharges to impaired waters, discharges to waters designated as critical habitat for threatened and endangered species, and other discharges as necessary to determine if compliance with the other terms and conditions of the permit will control discharges as necessary to meet water quality standards. Monitoring conditions will be consistent with applicable water quality standard(s) for the receiving water, and as applicable, the assumptions of any available wasteload allocation in an applicable TMDL. Water quality standards monitoring is only required at a facility if specified in the certification.

b. Monitoring Frequency and modification

When specified in the certification, the permittee must monitor discharges once per quarter at each outfall (except substantially identical outfalls) discharging stormwater to impaired waters.

c. Modifying Monitoring Requirements

A permittee may request modification of the water quality standards monitoring requirements required by the permit certification if, after one year of monitoring or 4 samples, a pollutant, at a specific outfall, is not detected above the applicable, end-of-pipe water quality standard in any sample.

4. Additional Monitoring Required by the Division

The Division may notify a permittee of additional discharge monitoring requirements. Any such notice will briefly state the reasons for the monitoring, locations, and monitoring parameters, frequency and period of monitoring, sample types, and reporting requirements. Such monitoring may include salinity and in-stream sampling and whole effluent toxicity testing.

J. FACILITY INSPECTIONS – Stormwater only**1. Inspection frequency and personnel**

- a. The permittee shall conduct and document visual inspections of the facility at least **quarterly** (i.e., once each calendar quarter). Inspections shall be conducted at least 20 days apart.
- b. The permittee shall conduct a minimum of one (1) of the annual quarterly inspections during a runoff event, which for a rain event means during, or within 24 hours after the end of, a measureable storm event; and for a snowmelt event, means at a time when a measurable discharge occurs from the facility.
- c. The permittee shall ensure that qualified personnel conduct inspections.

2. Inspection scope

Each inspection shall include:

- a. Observations made at stormwater sampling locations and areas where stormwater associated with mining and processing is discharged off-site, to waters of the state, or to a storm sewer system that drains to waters of the state.
- b. Observations for the presence of floating materials, visible oil sheen, discoloration, turbidity, odor, etc. in the stormwater discharge(s).
- c. Observations of the condition of and around stormwater outfalls, including flow dissipation measures to prevent scouring.
- d. Observations for the presence of illicit discharges or other non-permitted discharges.
- e. A verification that the descriptions of potential pollutant sources required under this permit are accurate.
- f. A verification that the site map in the SWMP reflects current conditions.
- g. An assessment of all control measures used to comply with the effluent limits contained in this permit, noting all of the following:
 - i. Effectiveness of control measures inspected.
 - ii. Locations of control measures that need maintenance or repair.
 - iii. Reason maintenance or repair is needed and a schedule for maintenance or repair.
 - iv. Locations where additional or different control measures are needed and the rationale for the additional or different control measures.

3. Inspection documentation

The permittee shall document the findings for each inspection in an inspection report or checklist, and keep the record onsite with the facility SWMP. The permittee shall ensure each inspection report documents the observations, verifications and assessments required in Part I.J.2 above, and additionally includes:

- a. The inspection date and time;
- b. Locations inspected;
- c. Weather information and a description of any discharges occurring at the time of the inspection;
- d. A statement that, in the judgment of 1) the person conducting the site inspection, and 2) the person described in Part I.F.4 (Reporting and Recordkeeping), the site is either in compliance or out of compliance with the terms and conditions of this permit, with respect to Part I.J.2 (Inspection Scope);
- e. A summary report and a schedule of implementation of the corrective actions that the permittee has taken or plans to take if the site inspection indicates that the site is out of compliance;
- f. Name, title, and signature of the person conducting site inspection; and the following statement: "I certify that this report is true, accurate, and complete, to the best of my knowledge and belief.";
- g. Certification and signature of the person described in Part I.F.4 (Reports and Recordkeeping), or a duly authorized representative of the facility thereof.

4. Inspection frequency exceptions for Inactive and Unstaffed Sites

The requirement that permittees conduct and document quarterly visual inspections of the facility, and conduct at least one (1) inspection per calendar year during a runoff event, does not apply at inactive and unstaffed sites. Instead, the following requirements apply to such facilities (see also Monitoring Exceptions for Inactive and Unstaffed Sites at Part I.H.7 of the permit):

- a. At inactive and unstaffed facilities that **maintain a condition of no exposure**, i.e., there are no industrial materials or activities exposed to stormwater:
 - i. The permittee must conduct **two site inspections** annually, in the spring and fall, in accordance with the requirements of this Part.
 - ii. The permittee must maintain a statement in the facility SWMP pursuant to Part I.M.7 indicating that the site is inactive and unstaffed (and associated dates), and that there are no industrial materials or activities exposed to precipitation, in accordance with the substantive requirements in 5 CCR 1002-61.3(2)(h). The statement must be signed and certified in accordance with Part I.F.4 (Reports and Recordkeeping).
 - iii. If conditions change and industrial materials or activities become exposed to stormwater, this exception no longer applies and instead, the exception at Part I.J.4.b, below, applies.
 - iv. If conditions change and the facility becomes active and/or staffed, exceptions under this part **no longer apply** and the permittee must **immediately** resume inspections as required in Parts I.J.1-3 above.
- b. At inactive and unstaffed facilities that **DO NOT maintain a condition of no exposure**, i.e., industrial materials or activities **ARE** exposed to stormwater:
 - i. The permittee must conduct **six site inspections** annually, once every two calendar months, at least **20 days apart**, in accordance with the requirements of this Part.
 - ii. The permittee must maintain a statement in the facility SWMP pursuant to Part I.M.7 indicating that the site is inactive and unstaffed, and associated dates. The statement must be signed and certified in accordance with Part I.F.4 (Reports and Recordkeeping).
 - iii. If conditions change and the facility becomes active and/or staffed, exceptions under this part **no longer apply** and the permittee must **immediately** resume inspections as required in Parts I.J.1-3 above.
- c. The presence of staff at the facility to conduct required facility inspections does not change the inactive and unstaffed status of the facility for the purposes of this part.

5. Runoff event inspection exception at Completed and Finally Stabilized Areas

The requirement that permittees conduct and document at least one (1) inspection per calendar year during a runoff event, does not apply at completed facilities, completed portions of facilities, or finally stabilized portions of facilities that meet all of the conditions below. Note that all other inspection provisions in this part remain applicable.

- a. All industrial activities (such as mining, processing, batch plant activities, other land disturbing activities, fueling, loading/unloading etc.) are **temporarily** or **permanently** complete in the specified area, where temporarily complete means that such industrial activities are not currently conducted at the facility, but may recommence in the future; and
- b. The permittee has implemented **all** final stabilization measures (with or without seeding) to enable the specified area to attain final stabilization, **OR** the specified area has attained final stabilization consistent with Part I.A.7.a or b of the permit; and

- c. All final stabilization measures are selected, designed, installed, implemented and maintained in accordance with good engineering hydrologic and pollution control practices such that they effectively reduce pollutant potential and the potential for control measure failure for the designated area; and
- d. The permittee amended the SWMP to identify those areas for which this exception applies, including the date the areas met the exception conditions.

Stormwater discharges from portions of facilities that are permanently stabilized (i.e., meet the termination criteria at Part I.A. 7.b of the permit, or have obtained an Acreage (or partial) Release from the DRMS for that portion of the facility) no longer require CDPS permit coverage, as the discharge no longer meets the definition of “ stormwater discharges associated with industrial activity” pursuant to Regulation 61.3(2). In such cases, the permittee may request that the division reduce the facility permit boundary by the relevant portion of the facility.

6. Non-compliance discovered during inspection

Any corrective action required as a result of a facility inspection must be performed consistent with Part I.K (Corrective Actions) of this permit, and retained with the SWMP.

K. CORRECTIVE ACTIONS – Stormwater only

1. Conditions that must be eliminated

If any of the following conditions occur at the permitted facility (as identified by the permittee; the Division; or an EPA official, or local, or State entity), the permittee must review and revise the selection, design, installation, and implementation of facility control measures to ensure that the condition is eliminated and will not be repeated in the future:

- a. An unauthorized release or discharge (e.g., spill, leak, or discharge of non-stormwater not authorized by this or another permit) occurs;
- b. Facility control measures are not stringent enough for the discharge to meet applicable water quality standards;
- c. Modifications to the facility control measures are necessary to meet the practice-based effluent limits in this permit; or
- d. The permittee finds in a facility inspection that facility control measures are not properly selected, designed, installed, operated or maintained.

2. Condition requiring review and modification

If any of the following conditions occur, the permittee must review the selection, design, installation, and implementation of facility control measures to determine the appropriate modifications necessary to attain the effluent limits in this permit:

- a. Construction or a change in design, operation, or maintenance at the facility significantly changes the nature of pollutants discharged in stormwater from the facility, or significantly increases the quantity of pollutants discharged; or
- b. The **average** of quarterly sampling results as described in Part I.I.2.e of this permit exceeds an applicable benchmark.

3. Corrective action reports and deadlines

The permittee must document discovery of any condition listed in Parts I.K.1 and I.K.2 above, within 5 days as described below, submit the documentation in an annual report as required in Part I.N, and retain a copy onsite with the facility SWMP.

Within five (5) days of discovery of any condition listed in Parts I.K.1 and I.K.2, the permittee must document the following information:

- a. Identification of the condition triggering the need for corrective action review;
- b. Description of the problem identified;
- c. Date the problem was identified;

- d. Summary of corrective action taken or to be taken (or, for triggering events identified in Part I.K.2 where the permittee determines that corrective action is not necessary, the basis for this determination);
- e. Notice of whether SWMP modifications are required as a result of this discovery or corrective action;
- f. Date corrective action initiated; and
- g. Date corrective action completed or expected to be completed.

4. Control measure modification

Modification of any control measure as part of the corrective action required by Parts I.K.1 and I.K.2 must be performed consistent with Part I.G (Control Measures) of this permit.

5. Substantially identical outfalls

If the event triggering corrective action is associated with an outfall that represents other substantially identical outfalls, the permittee's review must assess the need for corrective action for each outfall represented by the outfall that triggered the review. Any necessary changes to control measures that affect these other outfalls must also be performed consistent with Part I.G (Control Measures) of this permit, and the permittee must implement interim or temporary controls measures during the maintenance effort.

L. GENERAL SWMP REQUIREMENTS – Stormwater only

The General SWMP requirements contained in this section address administrative requirements of the SWMP, as opposed to the specific SWMP content requirements provided in Part I.M of the permit.

An existing permittee authorized under the previous versions of this permit shall modify the existing SWMP to comply with the requirements of this permit within 180-days of the facility permit certification effective date.

1. SWMP requirement

The permittee must develop, implement, and maintain a SWMP for each facility authorized by this permit. 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 permittee must modify the SWMP to reflect current site conditions (see Part I.L.7 below).

2. Preparation, Submission and Implementation

The permittee must complete a SWMP prior to submitting the permit application for authorization to discharge industrial stormwater from a facility, and submit it to the Division if requested. The permittee must implement the SWMP when the facility begins industrial activities, which includes installation of control measures.

3. Signatory Requirements

The permittee must sign and certify all SWMPs in accordance with Part I.F.4 (Reporting and Recordkeeping); this requirement applies to the original SWMP prepared for the facility, and each time the permittee modifies a SWMP as required by Part I.L.7.a and b below.

4. Permit Retention

The permittee must maintain a copy of this permit and the permit certification issued to the permittee with the SWMP.

5. SWMP Retention

The permittee must retain a copy of the SWMP at the facility unless another location, specified by the permittee, is approved by the Division.

6. Consistency with Other Plans

The permittee may incorporate, by reference, applicable portions of plans prepared for other purposes at their facility. Plans or portions of plans incorporated by reference into a SWMP become enforceable requirements of this permit and must be available along with the SWMP as required in Part I.L.5 above.

7. Required SWMP Modifications

a. Division initiated Modifications

- i. The permittee must modify the SWMP when notified by the Division that it does not meet one or more of the requirements of this permit. Unless otherwise provided by the Division, the permittee shall have 30 days after notification to make the necessary changes to the SWMP and implement them.
- ii. The Division may require the permittee to submit the modified SWMP to the Division.
- iii. If the Division determines that the permittee's stormwater discharges do not, or may not, achieve the effluent limits required by this permit, the Division may require the permittee, within a specified time period, to develop and implement a supplemental control measure action plan, which describes additional SWMP modifications to adequately address the identified water quality concerns.

b. Permittee initiated Modifications

- i. The permittee must modify the SWMP whenever necessary to address any of the triggering conditions for corrective action in Part I.K (Corrective Actions) to ensure that they do not reoccur.
- ii. The permittee must modify the SWMP whenever there is a change in design, construction, operation, or maintenance at the facility that significantly changes the nature of pollutants discharged in stormwater from the facility, significantly increases the quantity of pollutants discharged, or that requires the permittee to implement new or modified control measures.
- iii. The SWMP modifications may include a schedule for control measure design and implementation, provided that interim control measures needed to comply with the permit are documented in the SWMP and implemented during the design period.
- iv. The permittee must make all SWMP modifications in accordance with the corrective action deadline in Part I.K (Corrective Actions).

M. SPECIFIC SWMP REQUIREMENTS – Stormwater only

1. SWMP Administrator

The SWMP shall identify a specific individual(s) by name or by title whose responsibilities include: SWMP development, implementation, maintenance, and modification.

2. Facility Description

The facility description shall include:

- a. A narrative description of the industrial activities conducted at the facility;
- b. The total size of the facility property in acres;
- c. The general layout of the facility including mining areas, revegetated areas, buildings, raw material storage areas, and the flow of goods and materials through the facility.

3. Facility Map

The SWMP shall include a legible site map(s), showing the entire facility, and vicinity as appropriate, identifying:

- a. The boundary of the mining and processing operation.
- b. The location of the facility in relation to surface waters that receive industrial stormwater discharges from the facility (including the name of the surface water; if the name is not known, indicate that on the map); a separate vicinity map may be necessary to comply with this requirement.
- c. The location of significant impervious surfaces within the facility property boundaries, including paved areas and buildings.
- d. The locations of all facility stormwater conveyances including ditches, pipes, and swales.
- e. The locations of stormwater inlets and outfalls, with a unique identification code for each outfall (e.g., Outfall No. 001, No.002, etc), and indicating whether one or more outfalls are “substantially identical” under Part I.H (General Monitoring Requirements); and an approximate outline of the areas draining to each outfall.
- f. The directions of stormwater flow indicated by arrows;
- g. The areas where mining and processing activities are currently or have previously been conducted, where such activities are exposed to precipitation. This includes all areas of soil disturbance and reclamation/revegetation.
- h. The locations of all actual or potential pollutant sources (including sediment) associated with mining and processing activities, including but not limited to those identified in the Facility Inventory and Assessment of Pollutant Sources (below) and the following:
 - i. Vehicle fueling areas;
 - ii. Fertilizer or chemical storage areas;
 - iii. Areas used for storage or disposal of overburden, materials, soils or wastes;
 - iv. Areas used for mineral milling and processing;
 - v. All access and haul roads; and
 - vi. All asphalt or concrete batch plants, or areas used for recycling of asphalt or concrete.
- i. The location of any and all process water discharge outfalls, including specified locations of mine dewatering operations.
- j. The location of all structural and applicable non-structural control measures used to meet the effluent limits required by this permit.
- k. The locations where significant spills or leaks identified under Part I.L.4.b have occurred.
- l. The locations of all stormwater monitoring points applicable to the facility (visual monitoring; benchmark monitoring, water quality-based monitoring).
- m. Location and description of any non-stormwater discharges authorized in Part I.A.1.c or authorized by separate permit coverage.
- n. Locations and sources of run-on to the facility from adjacent property that contains significant quantities of pollutants.
- o. The date that the facility site map was prepared and/or amended.

4. Facility Inventory and Assessment of Pollutant Sources

The facility inventory and assessment shall include the following:

a. Inventory of facility activities and equipment

The inventory shall identify all areas (except interior areas that are not exposed to precipitation) associated with industrial activities that have been, or may potentially be, sources of pollutants, that contribute, or have the potential to contribute, any pollutants to stormwater, including but not limited to the following:

- i. Loading and unloading of materials, including solids and liquids.
- ii. Outdoor storage of materials or products, including solids and liquids.
- iii. Outdoor manufacturing and processing.

- iv. On-site dust or particulate generating processes, including dust collection devices and vents.
- v. On-site waste treatment, storage, or disposal, including waste ponds and solid waste management units.
- vi. Vehicle and equipment fueling, maintenance, and/or cleaning (includes washing).
- vii. Immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility.
- viii. Roofs or other surfaces exposed to air emissions from a manufacturing building or a process area.
- ix. Roofs and associated surfaces composed of galvanized materials that may be mobilized by stormwater (e.g., roofs, ducts, heating/air conditioning equipment, gutters and downspouts).

b. Inventory of materials

The inventory shall list materials that contribute, or have the potential to contribute, pollutants to stormwater, including but not limited to the following:

- i. The types of materials handled at the facility that may be exposed to precipitation or runoff and could result in stormwater pollution.
- ii. The types of materials handled at the facility that may leak or spill, and be exposed to precipitation or runoff and result in stormwater pollution.
- iii. A narrative description of any potential sources of pollutants from past activities, materials and spills that could contribute pollutants to stormwater discharges, and the corresponding outfall(s) that would be affected by such spills and leaks. The description shall include the method and location of any on-site storage or disposal; and documentation of all significant spills and leaks of oil or toxic or hazardous pollutants that occurred at exposed areas, or that drained to a stormwater conveyance, in the 3 years prior to the SWMP preparation date.

c. Assessment of potential pollutant sources

The assessment of potential pollutant sources shall provide a short narrative or tabulation describing the potential of a pollutant to be present in stormwater discharges for each facility activity, equipment and material identified above. The permittee shall update this narrative when data become available to verify the presence or absence of these pollutants. Potential pollutant sources include:

- i. Loading and unloading operations;
- ii. Outdoor storage of chemicals or equipment;
- iii. Crushing facilities or significant dust and particulate generating activities;
- iv. On site waste disposal practices;
- v. Stockpiles of overburden, raw material, intermediate products, byproducts, finished products or waste products;
- vi. Asphalt or concrete batch plants or areas used for recycling of asphalt or concrete;
- vii. Routine maintenance activities involving fertilizers, pesticides, detergents, fuels, solvents, oils, etc.;
- viii. Haul roads; and
- ix. Disturbed and revegetated areas.

5. Description of Control Measures

- a. The permittee shall document the location, installation date, type, and implementation specifications of each non-structural and structural control measure implemented at the facility to achieve meet the effluent limitations contained in this permit. Documentation must include those control measures implemented for stormwater run-on that commingles with any discharges covered under this permit.
- b. Installation and implementation specifications for each control measure used by the permittee to meet the effluent limitations contained in this permit must be retained with the SWMP.

6. Additional Control Measure Requirements

The permittee shall document the schedules, procedures, and evaluation results for the following subset of practice-based effluent limitations.

- a. Good Housekeeping (see Part I.C.2.a.ii) - A schedule for regular pickup and disposal of waste materials, along with routine inspections for leaks and conditions of drums, tanks and containers.
- b. Maintenance (see Part I.C.2.a.iii) - Preventative maintenance schedules for industrial equipment and systems; control measures; and any back-up practices in place should a runoff event occur while a control measure is off-line.
- c. Spill Prevention and Response Procedures (see Part I.C.2.a.iv) - Procedures for preventing, responding to, and reporting spills and leaks. The permittee may reference other plans (e.g., a Spill Prevention Control and Countermeasure (SPCC) plan) otherwise required by a permit for the facility, provided that a copy of the other plan is kept onsite with the SWMP, and made available for review consistent with Part I.L (SWMP—General SWMP Requirements).
- d. Employee Training (see Part I.C.2.a.viii) - A schedule for all types of training required by this permit, content of the training, and log of the dates on which specific employees received training.
- e. Non-Stormwater Discharges (see Part I.C.2.a.ix) - Documentation of the stormwater conveyance system evaluation for the presence of non-stormwater discharges not authorized in Part.I.A.1.c, and the elimination of all unauthorized discharges. Documentation of the evaluation must include:
 - i. The date of any evaluation;
 - ii. A description of the evaluation criteria used;
 - iii. A list of the outfalls or onsite drainage points that were directly observed during the evaluation;
 - iv. The different types of non-stormwater discharge(s) and source locations; and
 - v. The action(s) taken, such as a list of control measures used to eliminate unauthorized discharge(s), if any were identified.

7. Inspection Procedures and Documentation

The permittee shall document inspection procedures, and maintain such procedures and other documentation with the SWMP, as follows:

- a. The permittee shall document procedures for performing the facility inspections required by Part I.J (Facility Inspections) of the permit. Procedures must identify:
 - i. Person(s) or positions of person(s) responsible for inspection;
 - ii. Schedules for conducting inspections, including tentative schedule for facilities in climates with irregular stormwater runoff discharges; and
 - iii. Specific items to be covered by the inspection, including inspection schedules for specific outfalls.
- b. The permittee shall maintain inspection documentation with the SWMP as required by Part I.J (Facility Inspections) of this permit.
- c. Permittees that invoke the exception to quarterly inspections for inactive and unstaffed facilities must include in the SWMP the signed and certified documentation to support this claim as required in Part I.J (Facility Inspections).

8. Monitoring Procedures and Documentation

The permittee shall document monitoring procedures, and maintain such procedures and other documentation with the SWMP, as follows:

- a. The permittee shall document procedures for performing any applicable types of monitoring required by Part I.I (Specific Monitoring Requirements) of the permit, including:
 - i. Visual assessment monitoring (see Part I.I.1)

- ii. Benchmark monitoring (see Part I.I.2)
 - iii. Water Quality Standards monitoring (see Part I.I.3); and
 - iv. Additional monitoring as required by the Division (see Part I.I.4).
- b. For each type of monitoring, procedures must identify:
- i. Locations where samples are collected, and outfall identification by its unique identifying number;
 - ii. Staff responsible for conducting stormwater sampling;
 - iii. Procedures for sample collection and handling, including any deviations from sampling within the first 30 minutes of a measurable storm event;
 - iv. For any parameters requiring analysis, the name of the parameter, the holding times and preservatives, the analytical methods used, and the laboratory quantitation levels;
 - v. Procedures for sending samples to a laboratory, as applicable;
 - vi. Monitoring schedules, including any deviations from the monitoring schedule for alternate monitoring periods for climates with irregular stormwater runoff (see Part I.H.5);
 - vii. The numeric control values (benchmarks, TMDL-related requirements, or other requirements) applicable to discharges from each outfall.
- c. Permittees must maintain Quarterly Visual Assessment documentation (see Part I.I.1.c) with the SWMP.
- d. Permittees that invoke the Monitoring Exceptions for Inactive and Unstaffed Sites and for Completed and Finally Stabilized Areas, must include in the SWMP the signed and certified documentation to support this claim.
- e. Permittees that use the substantially identical outfall monitoring exception (Part I.H.1) must document the following in the SWMP:
- i. Location of each of the substantially identical outfalls, and the outfall sampled;
 - ii. Description of the general industrial activities conducted in the drainage area of each outfall;
 - iii. Description of the control measures implemented in the drainage area of each outfall;
 - iv. Description of the exposed materials located in the drainage area of each outfall that are likely to be significant contributors of pollutants to stormwater discharges;
 - v. Impervious surfaces in the drainage area that could affect the percolation of stormwater runoff into the ground (e.g., asphalt, crushed rock, grass, etc.);
 - vi. Why the permittee expects the outfalls to discharge substantially identical effluents.

9. Corrective Action Documentation

The permittee must maintain a copy of all Corrective Action reports that document corrective actions taken by the permittee consistent with Part I.K (Corrective Actions) of this permit, with the facility SWMP.

N. **STORMWATER SPECIFIC REPORTING AND RECORDKEEPING – Stormwater only**

1. Routine Reporting of data – DMRs

In addition to the Reporting and Recordkeeping requirements provided at Part I.F of this permit, the required DMR reporting conventions for stormwater discharges are as follows:

- a. If no discharge occurs during the reporting period, "**No Discharge**" shall be reported on the DMR.
- b. If the permittee's benchmark sampling frequency is reduced consistent with Part I.I.2.d of this permit (Benchmark Monitoring Actions – *Data not exceeding benchmarks*), the permittee must submit quarterly DMRs and indicate "**Benchmark Met**" in the result field on the DMR for each parameter that meets the sampling frequency reduction criteria.

- c. If the permittee's monitoring is excepted consistent with Parts I.H.7 and I.H.8 of this permit, the permittee must submit quarterly DMRs and indicate "**General Permit Exemption**" in the result field on the DMR for each parameter for the period the site meets the monitoring exception criteria.

2. Annual report

ICIS Code	Description	Due date	Frequency
00308	The permittee shall submit an annual report to the division for the reporting period January 1 through December 31.	February 28	Annual

- a. The annual report shall include:
- i. Name of permittee, address, phone number
 - ii. Permit certification number
 - iii. Facility name and physical address
 - iv. Contact person name, title, and phone number
 - v. Summary of inspection dates
 - vi. Summary of visual monitoring
 - vii. Corrective action documentation as required in Part I.J., and status of any outstanding corrective action(s).
- b. The signed copy of each annual report shall be submitted to the Division at the address below, and a copy maintained with the SWMP.

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

3. SWMP records

The permittee shall retain copies of the facility SWMP, including any modifications made during the term of this permit, documentation related to corrective actions taken, all reports and certifications required by this permit, monitoring data, and records of all data used to complete the application to be covered by this permit, for a period of at least 3 years from the date that coverage under this permit expires or is terminated.

O. SECTOR-SPECIFIC REQUIREMENTS FOR ASPHALT BATCH PLANTS – Stormwater only

The requirements of this Part apply to stormwater discharges associated with industrial activity from asphalt batch plants (SIC Code 2951) located at sand and gravel facilities, and to areas of the permittee's facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

1. Asphalt batch plants

Asphalt batch plants (permanent and mobile) that operate at sand and gravel facilities, where the facility is permitted for such operations, may be covered by this permit. Asphalt batch plants that operate at sand and gravel facilities, where the facility is NOT permitted for such operations, must obtain alternate permit coverage, currently under CDPS general permit COR900000.

2. Sector-Specific Benchmarks

Table O-1 identifies benchmarks that apply to discharges associated with industrial activity from asphalt batch plants

Table O-1.		
Sector	Parameter	Benchmark Monitoring Concentration
Asphalt Paving Mixtures and Blocks (SIC 2951)	Total Suspended Solids (TSS)	100 mg/L

P. SECTOR-SPECIFIC REQUIREMENTS FOR CONCRETE BATCH PLANTS – Stormwater only

The requirements of this Part apply to stormwater discharges associated with industrial activity from concrete batch plants (SIC Code 3273) located at sand and gravel facilities, and to areas of the permittee's facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

1. Concrete Batch Plants

Concrete batch plants (permanent and mobile) that operate at sand and gravel facilities, where the facility is permitted for such operations, may be covered by this permit. Concrete batch plants that operate at sand and gravel facilities, where the facility is NOT permitted for such operations, must obtain alternate permit coverage, currently under CDPS general permit COR900000.

2. Additional Practice-Based Effluent Limits

- a. Good Housekeeping Measures. With good housekeeping, prevent or minimize the discharge of spilled cement, aggregate (including sand or gravel), settled dust, or other significant material in stormwater from paved portions of the site that are exposed to stormwater. Consider sweeping regularly or using other equivalent measures to minimize the presence of these materials. Indicate in the facility SWMP the frequency of sweeping or equivalent measures. Determine the frequency based on the amount of industrial activity occurring in the area and the frequency of precipitation, but it must be performed at least once a month if cement, aggregate, or settled dust are being handled or processed. The permittee must also prevent the exposure of fine granular solids (e.g., cement, etc.) to stormwater, where practicable, by storing these materials in enclosed silos, hoppers, or buildings, or under other covering.

3. Additional SWMP Requirements

- a. Drainage Area Site Map. Document in the SWMP the locations of the following, as applicable: dust control device; recycle/sedimentation pond, clarifier, or other device used for the treatment of process wastewater; and the areas that drain to the treatment device.
- b. Certification. For facilities producing ready-mix concrete, concrete block, brick, or similar products, include in the non-stormwater discharge certification a description of measures that ensure that process waste waters resulting from washing trucks, mixers, transport buckets, forms, or other equipment are discharged in accordance with CDPS requirements or are recycled.

4. Sector-Specific Benchmarks

Table P-1 identifies benchmarks that apply to discharges associated with industrial activity from concrete batch plants

Table P-1.		
Sector	Parameter	Benchmark Monitoring Concentration
Ready-Mixed Concrete (SIC 3273)	Total Suspended Solids (TSS)	100 mg/L
	Total Iron	1.0 mg/L

Q. OTHER TERMS AND CONDITIONS – Stormwater only

1. 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 water courses under their jurisdiction.
2. Reporting to Municipality – Any permitted facility discharging to a municipal storm sewer shall provide the municipality with a copy of the permit application, and/or Annual Reports, upon request. A copy of the SWMP shall also be provided to the municipality upon request.

PART II

A. NOTIFICATION REQUIREMENTS

1. Notification to Parties

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

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

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

- b. Written notification shall be to:

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

2. Change in Discharge

The permittee shall give advance notice to the Division, in writing, of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- a. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged, 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.

Whenever notification of any planned physical alterations or additions to the permitted facility is required pursuant to this section, the permittee shall furnish the Division such plans and specifications which the Division deems reasonably necessary to evaluate the effect on the discharge, the stream, or ground water. If the Division finds that such new or altered discharge might be inconsistent with the conditions of the permit, the Division shall require a new or revised permit application and shall follow the procedures specified in Sections 61.5 through 61.6, and 61.15 of the Colorado Discharge Permit System Regulations.

3. Noncompliance Notification

The permittee shall give advance notice to the Division, in writing, of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.

- 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 noncompliance and its cause;
 - 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) working 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 as specified in Part III of this permit. 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.

4. Transfer of Ownership or Control

The permittee shall notify the Division, in writing, thirty (30) calendar days in advance of a proposed transfer of the permit.

- 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 calendar 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.

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 to the WQCD Industrial Compliance Program on the date listed in the compliance schedule section. The fourteen (14) calendar day provision in Regulation 61.8(4)(n)(i) has been incorporated into the due date.

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 (10) calendar 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. Bypass

- a. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
- b. 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.5.
- c. "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.
- d. 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.
- e. 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.

8. Upsets

- a. "Upset" means 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.

b. 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.

c. Conditions Necessary for a Demonstration of Upset

A permittee who wishes to establish the affirmative defense of upset shall demonstrate through properly signed contemporaneous operating logs, or other relevant evidence that:

- i) An upset occurred and that the permittee can identify the specific cause(s) of the upset; and
- ii) The permitted facility was at the time being properly operated and maintained; and
- iii) The permittee submitted proper notice of the upset as required in Part II.A.4. of this permit (24-hour notice); and
- iv) The permittee complied with any remedial measure necessary to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a 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.

d. Burden of Proof

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

9. Submission of Incorrect or Incomplete Information

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Division, the permittee shall promptly submit such facts or information.

B. RESPONSIBILITIES

1. 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.

2. Inspections and Right to Entry

The permittee shall allow the Division and/or the authorized representative, upon the presentation of credentials:

- a. To enter upon the permittee's premises where a regulated facility or activity is located or in which any records are required to be kept under the terms and conditions of this permit;
- b. At reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit and to inspect any monitoring equipment or monitoring method required in the permit; and

- c. To enter upon the permittee's premises in a reasonable manner and at a reasonable time to inspect and/or investigate, any actual, suspected, or potential source of water pollution, or to ascertain compliance or non compliance with the Colorado Water Quality Control Act or any other applicable state or federal statute or regulation or any order promulgated by the Division. The investigation may include, but is not limited to, the following: sampling of any discharge and/or process waters, the taking of photographs, interviewing of any person having knowledge related to the discharge permit or alleged violation, access to any and all facilities or areas within the permittee's premises that may have any affect on the discharge, permit, or alleged violation. Such entry is also authorized for the purpose of inspecting and copying records required to be kept concerning any effluent source.
- d. The permittee shall provide access to the Division to sample the discharge at a point after the final treatment process but prior to the discharge mixing with state waters upon presentation of proper credentials.

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

3. 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.

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) calendar 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) Where the Division has completed, and EPA approved, a total maximum daily load (TMDL) which includes a wasteload allocation for the discharge(s) authorized under the permit.
- vi) The permittee has received a variance.
- vii) When required to incorporate applicable toxic effluent limitation or standards adopted pursuant to § 307(a) of the Federal act.
- viii) When required by the reopener conditions in the permit.
- ix) As necessary under 40 C.F.R. 403.8(e), to include a compliance schedule for the development of a pretreatment program.
- x) 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.
- xi) To establish a pollutant notification level required in Section 61.8(5) of the Colorado Discharge Permit System Regulations.
- xii) 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.
- xiii) 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.

- xiv) When another State whose waters may be affected by the discharge has not been notified.
- xv) 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) calendar 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. For permit modification, termination, or revocation and reissuance, the Division may request additional information from the permittee. In the case of a modified permit, the Division may require the submission of an updated application. In the case of revoked and reissued permit, the Division shall require the submission of a new application.
- 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 Colorado Discharge Permit System Regulations. The Division shall act on a permit modification request, other than minor modification requests, within 180 calendar 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.
- f. 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 calendar days after the date specific in the existing permit and does not interfere with attainment of the final compliance date requirement; or
 - iv) Allowing for a transfer in ownership or operational control of a facility where the Division determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between the current and new permittees has been submitted to the Division; or
 - v) Changing the construction schedule for a discharger which is a new source, but no such change shall affect a discharger's obligation to have all pollution control equipment installed and in operation prior to discharge; or
 - vi) Deleting a point source outfall when the discharge from that outfall is terminated and does not result in discharge of pollutants from other outfalls except in accordance with permit limits.
 - vii) Incorporating conditions of a POTW pretreatment program that has been approved in accordance with the procedures in 40 CFR 403.11 (or a modification thereto that has been approved in accordance with the procedures in 40 CFR 403.18) as enforceable conditions of the POTW's permits.
- g. 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.

- h. The filing of a request by the permittee for a permit modification, revocation and reissuance or termination does not stay any permit condition.
- i. All permit modifications and reissuances are subject to the antibacksliding provisions set forth in 61.10(e) through (g).
- j. If cause does not exist under this section, the Division shall not modify or revoke and reissue the permit.

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 elsewhere in this permit, 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. Severability

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

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 (12) 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 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.

12. Duration of Permit

The duration of a permit shall be for a fixed term and shall not exceed five (5) years. If the permittee desires to continue to discharge, a permit renewal application shall be submitted at least one hundred eighty (180) calendar days before this permit expires. 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. 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.4.

13. 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.

14. Effect of Permit Issuance

- a. The issuance of a permit does not convey any property or water rights in either real or personal property, or stream flows 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 biosolid use or disposal shall be an affirmative defense in any enforcement action brought for a violation of that standard for biosolid use or disposal.

PART III

CATEGORICAL INDUSTRIES

Aluminum Forming	Meat Products
Asbestos Manufacturing	Metal Finishing
Battery Manufacturing	Metal Molding and Casting (Foundries)
Builders' Paper and Board Mills	Mineral Mining and Processing
Canned & Preserved Fruits and Vegetables Processing	Nonferrous Metals Manufacturing
Canned & Preserved Seafood Processing	Nonferrous Metals Forming and Metal Powders
Carbon Black Manufacturing	Oil and Gas Extraction
Cement Manufacturing	Organic Chemicals, Plastics, and Synthetic Fibers
Coal Mining	Ore Mining and Dressing
Coil Coating	Paint Formulation
Copper Forming	Paving and Roofing Materials (Tars and Asphalt)
Dairy Products Processing	Pesticide Chemicals
Electrical and Electronic Components	Petroleum Refining
Electroplating	Pharmaceutical Manufacturing
Explosives Manufacturing	Phosphate Manufacturing
Feedlots	Photographic
Ferroalloy Manufacturing	Plastics Molding and Forming
Fertilizer Manufacturing	Porcelain Enameling
Glass Manufacturing	Pulp, Paper, and Paperboard Manufacturing
Grain Mills	Rubber Manufacturing
Gum and Wood Chemicals Manufacturing	Soap and Detergent Manufacturing
Hospital	Steam Electric Power Generating
Ink Formulation	Sugar Processing
Inorganic Chemicals Manufacturing	Textile Mills
Iron and Steel Manufacturing	Timber Products Processing
Leather Tanning and Finishing	

PRIORITY POLLUTANTS AND HAZARDOUS SUBSTANCES

ORGANIC TOXIC POLLUTANTS IN EACH OF FOUR FRACTIONS
IN ANALYSIS BY GAS CHROMATOGRAPHY/MASS SPECTROSCOPY (GC/MS)

Volatiles

acrolein
acrylonitrile
benzene
bromoform
carbon tetrachloride
chlorobenzene
chlorodibromomethane
chloroethane
2-chloroethylvinyl ether
chloroform
dichlorobromomethane
1,1-dichloroethane
1,2-dichloroethane
1,1-dichloroethylene
1,2-dichloropropane
1,3-dichloropropylene
ethylbenzene
methyl bromide
methyl chloride
methylene chloride

Base/Neutral

acenaphthene
acenaphthylene
anthracene
benzidine
benzo(a)anthracene
benzo(a)pyrene
3,4-benzofluoranthene
benzo(ghi)perylene
benzo(k)fluoranthene
bis(2-chloroethoxy)methane
bis(2-chloroethyl)ether
bis(2-chloroisopropyl)ether
bis(2-ethylhexyl)phthalate
4-bromophenyl phenyl ether
butylbenzyl phthalate
2-chloronaphthalene
4-chlorophenyl phenyl ether
chrysene
dibenzo(a,h)anthracene
1,2-dichlorobenzene

Acid Compounds

2-chlorophenol
2,4-dichlorophenol
2,4,-dimethylphenol
4,6-dinitro-o-cresol
2,4-dinitrophenol
2-nitrophenol
4-nitrophenol
p-chloro-m-cresol
pentachlorophenol
Phenol
2,4,6-trichlorophenol

Pesticides

aldrin
alpha-BHC
beta-BHC
gamma-BHC
delta-BHC
chlordane
4,4'-DDT
4,4'-DDE
4,4'-DDD
dieldrin
alpha-endosulfan
beta-endosulfan
endosulfan sulfate
endrin
endrin aldehyde
heptachlor
heptachlor epoxide
PCB-1242
PCB-1254
PCB-1221

PRIORITY POLLUTANTS AND HAZARDOUS SUBSTANCES
 ORGANIC TOXIC POLLUTANTS IN EACH OF FOUR FRACTIONS
 IN ANALYSIS BY GAS CHROMATOGRAPHY/MASS SPECTROSCOPY (GC/MS)

Volatiles

1,1,2,2-tetrachloroethane
 tetrachloroethylene
 Toluene
 1,2-trans-dichloroethylene
 1,1,1-trichloroethane
 1,1,2-trichloroethane
 trichloroethylene
 vinyl chloride

Base/Neutral

1,3-dichlorobenzene
 1,4-dichlorobenzene
 3,3-dichlorobenzidine
 diethyl phthalate
 dimethyl phthalate
 di-n-butyl phthalate
 2,4-dinitrotoluene
 2,6-dinitrotoluene
 di-n-octyl phthalate
 1,2-diphenylhydrazine (as azobenzene)
 fluorene
 fluoranthene
 hexachlorobenzene
 hexachlorobutadiene
 hexachlorocyclopentadiene
 hexachloroethane
 indeno(1,2,3-cd)pyrene
 isophorone
 naphthalene
 nitrobenzene
 N-nitrosodimethylamine
 N-nitrosodi-n-propylamine
 N-nitrosodiphenylamine
 phenanthrene
 pyrene
 1,2,4-trichlorobenzene

Acid Compounds**Pesticides**

PCB-1232
 PCB-1248
 PCB-1260
 PCB-1016
 toxaphene

**OTHER TOXIC POLLUTANTS
 (AMMONIA, METALS AND CYANIDE) AND TOTAL PHENOLS**

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

TOXIC POLLUTANTS AND HAZARDOUS SUBSTANCES

REQUIRED TO BE IDENTIFIED BY EXISTING DISCHARGERS

IF EXPECTED TO BE PRESENT

Toxic Pollutants

Asbestos

Hazardous Substances

Acetaldehyde	Isoprene
Allyl alcohol	Isopropanolamine
Allyl chloride	Keithane
Amyl acetate	Kepone
Aniline	Malathion
Benzonitrile	Mercaptodimethur
Benzyl chloride	Methoxychlor
Butyl acetate	Methyl mercaptan
Butylamine	Methyl methacrylate
Captan	Methyl parathion
Carbaryl	Mexacarbate
Carbofuran	Monoethyl amine
Carbon disulfide	Monomethyl amine
Chlorpyrifos	Naled
Coumaphos	Napthenic acid
Cresol	Nitrotoluene
Crotonaldehyde	Parathion
Cyclohexane	Phenolsulfanate
2,4-D(2,4-Dichlorophenoxy acetic acid)	Phosgene
Diazinon	Propargite
Dicamba	Propylene oxide
Dichlobenil	Pyrethrins
Dichlone	Quinoline
2,2-Dichloropropionic acid	Resorcinol
Dichlorvos	Strontium
Diethyl amine	Strychnine
Dimethyl amine	Styrene
Dinitrobenzene	TDE (Tetrachlorodiphenylethane)
Diquat	2,4,5-T (2,4,5-Trichlorophenoxy acetic acid)
Disulfoton	2,4,5-TP [2-(2,4,5-Trichlorophenoxy) propanoic acid]
Diuron	Trichlorofan
Epichlorohydrin	Triethylamine
Ethanolamine	Trimethylamine
Ethion	Uranium
Ethylene diamine	Vandium
Ethylene dibromide	Vinyl Acetate
Formaldehyde	Xylene
Furfural	Xylenol
Guthion	Zirconium

Appendix A – Description of Standard Industrial Classification (SIC) Code Major Group 14 facilities

Major group 14 includes establishments primarily engaged in mining or quarrying, developing mines, or exploring for nonmetallic minerals, except fuels.

Dimension Stone (SIC code 1411) - Establishments primarily engaged in mining or quarrying dimension stone. Also included are establishments engaged in producing rough blocks and slabs.

Crushed and Broken Limestone (SIC code 1422) - Establishments primarily engaged in mining or quarrying crushed and broken limestone, including related rocks, such as dolomite, cement rock, marl, travertine, and calcareous tufa.

Crushed and Broken Granite (SIC code 1423) - Establishments primarily engaged in mining or quarrying crushed and broken granite, including related rocks, such as gneiss, syenite, and diorite.

Crushed and Broken Stone, Not Elsewhere Classified (SIC code 1429) - Establishments primarily engaged in mining or quarrying crushed and broken stone, not elsewhere classified.

Construction Sand and Gravel (SIC code 1442) - Establishments primarily engaged in operating sand and gravel pits and dredges, and in washing, screening, or otherwise preparing sand and gravel for construction uses.

Industrial Sand (SIC code 1446) - Establishments primarily engaged in operating sand pits and dredges, and in washing, screening, and otherwise preparing sand for uses other than construction, such as glassmaking, molding, and abrasives.

Kaolin and Ball Clay (SIC code 1455) - Establishments primarily engaged in mining, milling, or otherwise preparing kaolin or ball clay, including china clay, paper clay, and slip clay.

Clay, Ceramic, and Refractory Minerals, Not Elsewhere Classified (SIC code 1459) - Establishments primarily engaged in mining, milling, or otherwise preparing clay, ceramic, or refractory minerals, not elsewhere classified.

Potash, Soda, and Borate Minerals (SIC code 1474) - Establishments primarily engaged in mining, milling, or otherwise preparing natural potassium, sodium, or boron compounds.

Phosphate Rock (SIC code 1475) - Establishments primarily engaged in mining, milling, drying, calcining, sintering, or otherwise preparing phosphate rock, including apatite.

Chemical and Fertilizer Mineral Mining, Not Elsewhere Classified (SIC code 1479) - Establishments primarily engaged in mining, milling, or otherwise preparing chemical or fertilizer mineral raw materials, not elsewhere classified.

Nonmetallic Minerals Services, Except Fuels (SIC code 1481) - Establishments primarily engaged in the removal of overburden, strip mining, and other services for nonmetallic minerals, except fuels, for others on a contract or fee basis.

Miscellaneous Nonmetallic Minerals, Except Fuels (SIC code 1481) - Establishments primarily engaged in mining, quarrying, milling, or otherwise preparing nonmetallic minerals, except fuels. This industry includes the shaping of natural abrasive stones at the quarry.

Appendix B – Failures/Violations of the WET Permit Limit and Automatic Compliance Response

A. Failures and Violations of the Permit Limit

1. **Acute Testing:** An acute WET test failure/violation is whenever the LC50, which represents an estimate of the effluent concentration which is lethal to 50% of the test organisms in the time period prescribed by the test, is found to be less than or equal to 100% effluent. When WET testing is specified in the certification, an acute WET test failure is a violation of the permit.

In the event of any acute WET test failure/violation, the permittee must provide written notification of the failure to the Division, along with a statement as to whether accelerated testing or a Toxicity Identification Evaluation (TIE) is being performed, unless otherwise exempted, in writing, by the Division. **Notification must be received by the Division within 14 calendar days of the permittee receiving notice of the WET testing results.**

2. **Chronic testing:** A chronic WET test is considered to have failed one of the two statistical endpoints when either the NOEC or the IC25 are at any effluent concentration less than the IWC. The IWC for this permit has been determined to be 100% effluent, as dilution considerations do not apply to this general permit.

A chronic WET test violation is when *both* the NOEC *and* the IC25 are at any effluent concentration less than the IWC. When specified in the certification, a chronic WET test failure is a violation of the permit.

The permittee must provide written notification to the Division if a chronic WET test violation occurs, or if two consecutive reporting periods have resulted in failure of one of the two statistical endpoints (regardless of which statistical endpoints are failed). Such notification should explain whether it was a violation, a failure of both endpoints when only monitoring is required, or two consecutive failures of a single endpoint. The written notification must also indicate whether accelerated testing or a Toxicity Identification Evaluation or Toxicity Reduction Evaluation (TIE or TRE) is being performed, unless otherwise exempted, in writing, by the Division. **Notification must be received by the Division within 14 calendar days of the permittee receiving notice of the WET testing results.**

B. Automatic Compliance Response

1. The permittee is responsible for implementing the automatic compliance response provisions of this permit when one of the following occurs:
 - a. For *all* WET testing:
 - i. there is a violation of the permit limit (as described for acute and chronic limitations above);
 - ii. the permittee is otherwise informed by the Division that a compliance response is necessary.
 - b. For *acute* WET testing:
 - i. during a report-only period, when the LC50 endpoint is less than the applicable IWC
 - c. For *chronic* WET testing:
 - i. two consecutive monitoring periods have resulted in failure of one of the two statistical endpoints (either the IC25 or the NOEC). Note that this provision is applicable during 'report' only periods as well as when permit limitations are applicable.
 - ii. during a report only period, when both the NOEC and the IC25 are at any effluent concentration less than the IWC.
2. When one of the above listed events occurs, the following automatic compliance response shall apply. The permittee shall either:
 - a. conduct accelerated testing using the single species found to be more sensitive as described in this appendix, Part C, or
 - b. conduct a Toxicity Identification Evaluation / Toxicity Reduction Evaluation (TIE/TRE) investigation as described below in this appendix, Part D.

C. Accelerated Testing

If accelerated testing is being performed, testing will be at least once every two weeks for up to five tests, at the appropriate IWC, but only one test should be run at a time.

For chronic WET testing, only the IC25 statistical endpoint is used to determine if the test passed or failed at the appropriate IWC. However, if accelerated testing is required due to failure of one statistical endpoint in two consecutive monitoring periods, and in both of those failures it was the NOEC endpoint that was failed, then the NOEC shall be the only statistical endpoint used to determine whether the accelerated testing passed or failed at the appropriate IWC.

Accelerated testing shall continue until; 1) two consecutive tests fail or three of five tests fail, in which case a pattern of toxicity has been demonstrated or 2) two consecutive tests pass or three of five tests pass, in which case no pattern of toxicity has been found. Note that the same dilution series should be used in the accelerated testing as was used in the initial test(s) that result in the accelerated testing requirement.

If no pattern of toxicity is found the toxicity episode is considered to be ended and routine testing is to resume. If a pattern of toxicity is found, a TIE/TRE investigation is to be performed. If a pattern of toxicity is not demonstrated but a significant level of erratic toxicity is found, the Division may require an increased frequency of routine monitoring or some other modified approach.

The permittee shall provide written notification of the results within 14 calendar days of completion of the Pattern of Toxicity/No Toxicity demonstration.

D. Toxicity Identification Evaluation / Toxicity Reduction Evaluation (TIE/TRE)

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

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

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

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

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

If the pollutant causing toxicity is not able to be identified, or is unable to be specifically identified, or is not able to be controlled by an effluent limit, the permittee will be required to either:

1. Conduct an investigation which demonstrates actual instream aquatic life conditions upstream and downstream of the discharge, or identify, for Division approval, and conduct an alternative investigation which demonstrates the actual instream impact. This should include WET testing and chemical analyses of the ambient water. Depending on the results of the study, the permittee may also be required to identify the control program necessary to eliminate the toxicity and its cost. Data collected may be presented to the WQCC for consideration at the next appropriate triennial review of the stream standards; or
2. Move to a TRE by identifying the necessary control program or activity and proceed with elimination of the toxicity so as to meet the WET effluent limit.

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

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

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

Appendix C – Definitions

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

2. "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.

3. "Asphalt batch plant" – refers to the manufacturing plant that combines aggregate and an asphalt binder to produce asphalt concrete.

4. "Asphalt concrete" – produced in a manufacturing plant (asphalt batch plant) and is known by many different names, such as hot mix asphalt, plant mix, bituminous mix, bituminous concrete, etc.

5. "Best Management Practices (BMPs)" – schedules of activities, practices (and prohibitions of practices), structures, vegetation, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to state waters. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. See 5 CCR 1002-61.2(9).

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

7. "Composite" sample is a minimum of four (4) grab samples collected at equally spaced two (2) hour intervals and proportioned according to flow. For a SBR type treatment system, a composite sample is defined as sampling equal aliquots during the beginning, middle and end of a decant period, for two consecutive periods during a day (if possible).

8. "Continuous" measurement, is a measurement obtained from an automatic recording device which continually measures the effluent for the parameter in question, or that provides measurements at specified intervals.

9. "Control Measure" refers to any BMP or other method (including effluent limitations) used to prevent or reduce the discharge of pollutants to waters of the state.

10. "Daily Maximum limitation" for all parameters (except temperature, pH and dissolved oxygen) means the limitation for this parameter shall be applied as an average of all samples collected in one calendar day. For these parameters the DMR shall include the highest of the daily averages. For pH and dissolved oxygen, this means an instantaneous maximum (and/or instantaneous minimum) value. The instantaneous value is defined as the analytical result of any individual sample. For pH and dissolved oxygen, DMRs shall include the maximum (and/or minimum) of all instantaneous values within the calendar month. Any value beyond the noted daily maximum limitation for the indicated parameter shall be considered a violation of this permit. For temperature, see Daily Maximum Temperature.

11. "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 month. Data collected from 11:01 pm to 1:00 am would fall in the new month.

12. "Discharge" - when used without qualification, means the "discharge of a pollutant." See 5 CCR 1002-61.2(22).
13. "Discharge of a pollutant" - the introduction or addition of a pollutant into state waters. See 25-8-103(3) C.R.S.
14. "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.
15. "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 = $(a \cdot b \cdot c \cdot d \cdot \dots)^{(1/n)}$ "*" - means multiply

Method 2:

Geometric Mean = $\text{antilog} ([\log(a)+\log(b)+\log(c)+\log(d)+\dots]/n)$

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.

16. "Good Engineering, Hydrologic and Pollution Control Practices" - 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.
17. "Grab" sample, is a single "dip and take" sample so as to be representative of the parameter being monitored.
18. "IC25" or "Inhibition Concentration" is a point estimate of the toxicant concentration that would cause a given percent reduction in a non-lethal biological measurement (e.g. growth or reproduction) calculated from a continuous model (i.e. interpolation method). IC25 is a point estimate of the toxic concentration that would cause a 25-percent reduction in a non-lethal biological measurement.
19. "Impaired Water" (or "Water Quality Impaired Water")— A water is impaired for purposes of this permit if it has been identified by a State or EPA pursuant to Section 303(d) of the Clean Water Act as not meeting applicable State water quality standards (these waters are called "water quality limited segments" under 40 CFR 30.2(j)). Impaired waters include both waters with approved or established TMDLs, and those for which a TMDL has not yet been approved or established.
20. "Inactive mining operations" – Regulation 61.3(2)(e)(iii)(C) identifies that "inactive mining operations" are mining sites that are not being actively mined, but which have an identifiable owner/operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim).

This term includes the following types of facilities that have an identifiable owner/operator:

- mineral mining and/or milling occurred in the past but is not covered by an active mining permit issued by DRMS;
 - operations are limited seasonally (i.e., intermittent operations), consistent with DRMS requirements for notification, only during the portion of the year when the facility is not active; or
 - operations cease for 180-days or more for reasons not associated with intermittent status, and still has reserves (consistent with temporary cessation status as defined by DRMS), only during the time period the facility is not active; or
 - exploration or extraction activities have ceased permanently.
21. "Industrial Activity" – for this permit means those activities identified by the SIC codes described in the applicability section of the permit.
 22. "Industrial Stormwater" - stormwater runoff from industrial activity.
 23. "In-situ" measurement is defined as a single reading, observation or measurement taken in the field at the point of discharge.
 24. "Instantaneous" measurement is a single reading, observation, or measurement performed on site using existing monitoring facilities.
 25. "LC50" or "Lethal Concentration" is the toxic or effluent concentration that would cause death in 50 percent of the test organisms over a specified period of time.
 26. "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

27. "Measurable storm event" - a storm event that results in an actual discharge from the facility.
28. "Minimize" - reduce and/or eliminate to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practice.
29. "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.
30. "New Discharger" - means any building, structure, facility, or installation from which there is or may be a discharge of pollutants that did not commence at the particular site before August 13, 1979, that is not a new source, and that has never received a final effective permit for discharges at the site. See 5 CCR 1002-61.2(65).
31. "NOEC" or "No-Observed-Effect-Concentration" is the highest concentration of toxicant to which organisms are exposed in a full life cycle or partial life cycle (short term) test, that causes no observable adverse effects on the test organisms (i.e. the highest concentration of toxicant in which the values for the observed responses are not statistically different from the controls). This value is used, along with other factors, to determine toxicity limits in permits.
32. "No exposure" – all industrial materials or activities are protected by a storm-resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff. 5 CCR 1002-61.3(2)(h).
33. "Person" - an individual, corporation, partnership, association, state or political subdivision thereof, federal agency, state agency, municipality, Commission, or interstate body. See 5 CCR 1002-61.2(73).
34. "Point source" - any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. "Point Source" does not include irrigation return flow. See 5 CCR 1002-61.2(75).
35. "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. See 5 CCR 1002-61.2(76).
36. "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.
37. "Practical Quantitation Limit (PQL)" means the minimum concentration of an analyte (substance) that can be measured with a high degree of confidence that the analyte is present at or above that concentration. The use of PQL in this document may refer to those PQLs shown in Part I.E of this permit or the PQLs of an individual laboratory.

- 38. "Qualified Personnel" for stormwater provisions - those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at a facility, and who can also evaluate the effectiveness of control measures.
- 39. "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 during the period that discharge occurs.
- 40. "Recorder" requires the continuous operation of an automatic data retention device for providing required records such as a data logger, a chart and/or totalizer (or drinking water rotor meters or pump hour meters where previously approved.)
- 41. SAR and Adjusted SAR - The equation for calculation of SAR-adj is:

$$SAR-adj = \frac{Na^+}{\sqrt{\frac{Ca_x + Mg^{++}}{2}}}$$

Where:

Na⁺ = Sodium in the effluent reported in meq/l

Mg⁺⁺ = Magnesium in the effluent reported in meq/l

Ca_x = calcium (in meq/l) in the effluent modified due to the ratio of bicarbonate to calcium

The values for sodium (Na⁺), calcium (Ca⁺⁺), bicarbonate (HCO₃⁻) and magnesium (Mg⁺⁺) in this equation are expressed in units of milliequivalents per liter (meq/l). Generally, data for these parameters are reported in terms of mg/l, which must then be converted to calculate the SAR. The conversions are:

$$meq/l = \frac{\text{Concentration in mg / l}}{\text{Equivalent weight in mg / meq}}$$

Where the equivalent weights are determined based on the atomic weight of the element divided by the ion's charge:

Na⁺ = 23.0 mg/meq (atomic weight of 23, charge of 1)

Ca⁺⁺ = 20.0 mg/meq (atomic weight of 40.078, charge of 2)

Mg⁺⁺ = 12.15 mg/meq (atomic weight of 24.3, charge of 2)

HCO₃⁻ = 61 mg/mep (atomic weight of 61, charge of 1)

The EC and the HCO₃⁻/Ca⁺⁺ ratio in the effluent (calculated by dividing the HCO₃⁻ in meq/l by the Ca⁺⁺ in meq/l) are used to determine the Ca_x using the following table.

Table – Modified Calcium Determination for Adjusted Sodium Adsorption Ratio

		HCO ₃ /Ca Ratio And EC ^{1, 2, 3}											
		Salinity of Effluent (EC)(dS/m)											
		0.1	0.2	0.3	0.5	0.7	1.0	1.5	2.0	3.0	4.0	6.0	8.0
Ratio of HCO ₃ /Ca	.05	13.20	13.61	13.92	14.40	14.79	15.26	15.91	16.43	17.28	17.97	19.07	19.94
	.10	8.31	8.57	8.77	9.07	9.31	9.62	10.02	10.35	10.89	11.32	12.01	12.56
	.15	6.34	6.54	6.69	6.92	7.11	7.34	7.65	7.90	8.31	8.64	9.17	9.58
	.20	5.24	5.40	5.52	5.71	5.87	6.06	6.31	6.52	6.86	7.13	7.57	7.91
	.25	4.51	4.65	4.76	4.92	5.06	5.22	5.44	5.62	5.91	6.15	6.52	6.82
	.30	4.00	4.12	4.21	4.36	4.48	4.62	4.82	4.98	5.24	5.44	5.77	6.04
	.35	3.61	3.72	3.80	3.94	4.04	4.17	4.35	4.49	4.72	4.91	5.21	5.45
	.40	3.30	3.40	3.48	3.60	3.70	3.82	3.98	4.11	4.32	4.49	4.77	4.98
	.45	3.05	3.14	3.22	3.33	3.42	3.53	3.68	3.80	4.00	4.15	4.41	4.61

.50	2.84	2.93	3.00	3.10	3.19	3.29	3.43	3.54	3.72	3.87	4.11	4.30
.75	2.17	2.24	2.29	2.37	2.43	2.51	2.62	2.70	2.84	2.95	3.14	3.28
1.00	1.79	1.85	1.89	1.96	2.01	2.09	2.16	2.23	2.35	2.44	2.59	2.71
1.25	1.54	1.59	1.63	1.68	1.73	1.78	1.86	1.92	2.02	2.10	2.23	2.33
1.50	1.37	1.41	1.44	1.49	1.53	1.58	1.65	1.70	1.79	1.86	1.97	2.07
1.75	1.23	1.27	1.30	1.35	1.38	1.43	1.49	1.54	1.62	1.68	1.78	1.86
2.00	1.13	1.16	1.19	1.23	1.26	1.31	1.36	1.40	1.48	1.54	1.63	1.70
2.25	1.04	1.08	1.10	1.14	1.17	1.21	1.26	1.30	1.37	1.42	1.51	1.58
2.50	0.97	1.00	1.02	1.06	1.09	1.12	1.17	1.21	1.27	1.32	1.40	1.47
3.00	0.85	0.89	0.91	0.94	0.96	1.00	1.04	1.07	1.13	1.17	1.24	1.30
3.50	0.78	0.80	0.82	0.85	0.87	0.90	0.94	0.97	1.02	1.06	1.12	1.17
4.00	0.71	0.73	0.75	0.78	0.80	0.82	0.86	0.88	0.93	0.97	1.03	1.07
4.50	0.66	0.68	0.69	0.72	0.74	0.76	0.79	0.82	0.86	0.90	0.95	0.99
5.00	0.61	0.63	0.65	0.67	0.69	0.71	0.74	0.76	0.80	0.83	0.88	0.93
7.00	0.49	0.50	0.52	0.53	0.55	0.57	0.59	0.61	0.64	0.67	0.71	0.74
10.00	0.39	0.40	0.41	0.42	0.43	0.45	0.47	0.48	0.51	0.53	0.56	0.58
20.00	0.24	0.25	0.26	0.26	0.27	0.28	0.29	0.30	0.32	0.33	0.35	0.37
30.00	0.18	0.19	0.20	0.20	0.21	0.21	0.22	0.23	0.24	0.25	0.27	0.28

¹ Adapted from Suarez (1981).

² Assumes a soil source of calcium from lime (CaCO_3) or silicates; no precipitation of magnesium, and partial pressure of CO_2 near the soil surface (P_{CO_2}) is 0.0007 atmospheres.

³ Ca_x , HCO_3^- , Ca are reported in meq/l; EC is in dS/m (deciSiemens per meter).

Because values will not always be quantified at the exact EC or $\text{HCO}_3^-/\text{Ca}^{++}$ ratio in the table, the resulting Ca_x must be determined based on the closest value to the calculated value. For example, for a calculated EC of 2.45 dS/m, the column for the EC of 2.0 would be used. However, for a calculated EC of 5.1, the corresponding column for the EC of 6.0 would be used. Similarly, for a $\text{HCO}_3^-/\text{Ca}^{++}$ ratio of 25.1, the row for the 30 ratio would be used.

The Division acknowledges that some effluents may have electrical conductivity levels that fall outside of this table, and others have bicarbonate to calcium ratios that fall outside this table. For example, some data reflect $\text{HCO}_3^-/\text{Ca}^{++}$ ratios greater than 30 due to bicarbonate concentrations reported greater than 1000 mg/l versus calcium concentrations generally less than 10 mg/l (i.e., corresponding to $\text{HCO}_3^-/\text{Ca}^{++}$ ratios greater than 100). Despite these high values exceeding the chart's boundaries, it is noted that the higher the $\text{HCO}_3^-/\text{Ca}^{++}$ ratio, the greater the SAR-adj. Thus, using the Ca_x values corresponding to the final row containing bicarbonate/calcium ratios of 30, the permittee will actually calculate an SAR-adj that is less than the value calculated if additional rows reflecting $\text{HCO}_3^-/\text{Ca}^{++}$ ratios of greater than 100 were added.

42. "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.D.3 for guidance on calculating averages and reporting analytical results that are less than the PQL).**
43. "Significant spills and leaks" - include, but are not limited to, releases of oil or hazardous substances in excess of quantities that are reportable under CWA Section 311 (see 40 CFR 110.6 and 40 CFR 117.21) or Section 102 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 USC §9602. This permit does not relieve the permittee of the reporting requirements of 40 CFR 110, 40 CFR 117, and 40 CFR 302 relating to spills or other releases of oils or hazardous substances.

44. Significant materials – includes, but is 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 as amended by SARA (1986); any chemical the facility is required to report pursuant to Section 313 of Title III of SARA (1986); fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharges. See 5 CCR 1002-61.2(76).
45. "Stormwater" - stormwater runoff, snow melt runoff, and surface runoff and drainage. See 5 CCR 1002-61.2(103).
46. "Stormwater Discharges Associated with Industrial Activity" - the discharge from any conveyance that is used for collecting and conveying stormwater and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. Except for the provision of 61.3(2)(c) that addresses construction activities associated with oil and gas operations or facilities, the term does not include discharges from facilities or activities excluded from the NPDES program under 40 CFR Part 122 or the CDPS program under Regulation No. 61.

For the categories of industries identified in this permit, the term includes, but is not limited to, stormwater discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters; sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and final products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater. See 5 CCR 1002-61.3(2)(e).

47. "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.
48. "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.D.3 for guidance on calculating averages and reporting analytical results that are less than the PQL).**
49. "Total Maximum Daily Loads (TMDLs)" - A TMDL is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL includes wasteload allocations (WLAs) for point source discharges; load allocations (LAs) for nonpoint sources and/or natural background, and must include a margin of safety (MOS) and account for seasonal variations. (See section 303(d) of the Clean Water Act and 40 CFR 130.2 and 130.7).
50. "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.
51. "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.
52. "Toxicity Identification Evaluation (TIE)" is a set of site-specific procedures used to identify the specific chemical(s) causing effluent toxicity.

53. "Toxicity Reduction Evaluation (TRE)" is a site-specific study conducted in a step-wise process to identify the causative agents of effluent toxicity, isolate the source of toxicity, evaluate the effectiveness of toxicity control options, and then confirm the reduction in effluent toxicity after the control measures are put in place.
54. "Twenty four (24) hour composite" sample is a combination of at least eight (8) sample aliquots of at least 100 milliliters, collected at equally spaced intervals during the operating hours of a facility over a twenty-four (24) hour period. For volatile pollutants, aliquots must be combined in the laboratory immediately before analysis. The composite must be flow proportional; either the time interval between each aliquot or the volume of each aliquot must be proportional to either the wastewater or effluent flow at the time of sampling or the total wastewater or effluent flow since the collection of the previous aliquot. Aliquots may be collected manually or automatically.
55. "Twice Monthly" monitoring frequency means that two samples shall be collected each calendar month on separate weeks with at least one full week between the two sample dates. Also, there shall be at least one full week between the second sample of a month and the first sample of the following month.
56. "Visual" observation is observing the discharge to check for the presence of a visible sheen or floating oil.
57. "Water Quality Control Division" or "Division" means the state Water Quality Control Division as established in 25-8-101 et al.)
58. "Water Quality Standards" - means a narrative and/or numeric restriction established by the Commission applied to state surface waters to protect one or more beneficial uses of such waters. Whenever only numeric or only narrative standards are intended, the wording shall specifically designate which is intended. See 5 CCR 1002- 31.5(37).
59. "Wet pit" – generally, a non-navigable waters (frequently a flooded dry pit), from which raw material is extracted using dragline or barge-mounted dredging equipment (hydraulic dredge), both above and below the water table. (40 CFR 436).

Additional relevant definitions are found in the Colorado Water Quality Control Act, CRS §§ 25-8-101 et seq., the Colorado Discharge Permit System Regulations, Regulation 61 (5 CCR 1002-61) and other applicable regulations.