

**AUTHORIZATION TO DISCHARGE UNDER THE  
COLORADO DISCHARGE PERMIT SYSTEM**

In compliance with the provisions of the Colorado Water Quality Control Act, (25-8-101 et seq., CRS, 1973 as amended), for both discharges to surface and ground waters, and the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.; the "Act"), for discharges to surface waters only, the

**City of Sterling**

is authorized to discharge from the facility's wastewater treatment plant located at **15956 County Road 370, Sterling, CO; 80751**, 40° 39' 49" West Latitude, -103° 8' 15.9" West Longitude.

to **the South Platte River and to groundwater**

in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts I and II hereof. All discharges authorized herein shall be consistent with the terms and conditions of this permit.

The applicant may demand an adjudicatory hearing within thirty (30) calendar days of the date of issuance of the final permit determination, per the Colorado State Discharge Permit System Regulation 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 1973 and the Colorado State Discharge Permit System Regulations. Failure to contest any such effluent limitation, monitoring requirement, or other condition, constitutes consent to the condition by the applicant.

This permit and the authorization to discharge shall expire at midnight, February 28, 2017

**Modified and Reissued and Signed 17<sup>th</sup> day of November 2016**

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Janet Kieler, Permits Section Manager  
Water Quality Control Division

**Permit Actions Summary:**

**Modification 3—Minor Amendment-Issued November 17, 2016, Effective January 1, 2017 (Part 1.A.2. and Part I.B.6.)**

**Modification 2—Minor Amendment-Issued August 31, 2016, Effective October 1, 2016 (Part I.A.2)**

**Modification #1 – Minor Amendment- Issued July 1, 2013, Effective August 1, 2013 (Part I.A.1, Part I.A.2, Part I.A.3, Part I.B.6)**

**Originally Issued January 6, 2012 and Effective March 1, 2012**

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## PART I

### A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

#### 1. Permitted Features(s)

Beginning no later than the effective date of this permit and lasting through the expiration date, the permittee is authorized to discharge from, and self monitoring samples taken in accordance with the monitoring requirements shall be obtained from permitted feature(s):

**001A, at the pump station and force main following the chlorine contact chamber and dechlorination but prior to entering the recharge basins or the South Platte River, 40 39'15" North Latitude, 103 07' 30" West Longitude.**

**002A, at the pump station and force main following the chlorine contact chamber and dechlorination but prior to entering the recharge basins, 40 39'15" North Latitude, 103 07' 30" West Longitude.**

**050A, 050C, 050D, 050F- the four downgradient monitoring wells around the recharge basins located on the south side of the South Platte River.**

The location(s) provided above will serve as the point(s) of compliance for this permit and are appropriate as they are located after all treatment and permitted feature 001 is prior to discharge to the receiving water.

In accordance with the Water Quality Control Commission Regulations for Effluent Limitations, Section 62.4, and the Colorado Discharge Permit System Regulations, Section 61.8(2), 5 C.C.R. 1002-61, the permitted discharge shall not contain effluent parameter concentrations which exceed the following limitations specified below or exceed the specified flow limitation.

#### 2. Limitations, Monitoring Frequencies and Sample Types for Effluent Parameters

In order to obtain an indication of the probable compliance or noncompliance with the effluent limitations specified in Part I.A, the permittee shall monitor all effluent parameters at the frequencies and sample types specified below. Such monitoring will begin immediately and last for the life of the permit unless otherwise noted. The results of such monitoring shall be reported on the Discharge Monitoring Report form (See Part I.D.)

Self-monitoring sampling by the permittee for compliance with the monitoring requirements specified above shall be performed at the location(s) noted in Part I.A.1 above.

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.

Percentage Removal Requirements (BOD<sub>5</sub> and TSS Limitations) - If noted in the limits table(s), the arithmetic mean of the BOD<sub>5</sub> and TSS concentrations for effluent samples collected during the DMR reporting period shall demonstrate a minimum of eighty-five percent (85%) removal of both BOD<sub>5</sub> and TSS, as measured by dividing the respective difference between the mean influent and effluent concentrations for the DMR monitoring period by the respective mean influent concentration for the DMR monitoring period, and multiplying the quotient by 100.

Flow Recording Device: For this facility, two flow recording devices are provided and are located at the point of inflow to and discharge from the treatment plant.

Oil and Grease Monitoring: For every outfall with oil and grease monitoring, in the event an oil sheen or floating oil is observed, a grab sample shall be collected and analyzed for oil and grease, and reported on the appropriate DMR under parameter 03582. In addition, corrective action shall be taken immediately to mitigate the discharge of oil and grease. A description of the corrective action taken should be included with the DMR.

Total Residual Chlorine: Monitoring for TRC is required only when chlorine is in use.

**Metals:** Metals measured in compliance with the effluent monitoring requirements listed in Part I.A of this permit may be used to satisfy any pretreatment or industrial waste management metals monitoring requirements listed in Part I.B.7, if the metals are in the same form (i.e. total). The special sampling procedures (e.g. 24-hour composite samples) specified in Part I.B.7 must be followed.

Permitted Feature 001A

<b>ICIS Code</b>	<b>Effluent Parameter</b>	<b>Effluent Limitations Maximum Concentrations</b>				<b>Monitoring Requirements</b>	
		<b>30-Day Average</b>	<b>7-Day Average</b>	<b>Daily Maximum</b>	<b>2-Year Average</b>	<b>Frequency</b>	<b>Sample Type</b>
50050	Effluent Flow (MGD)	2.68		Report		Continuous	Recorder
00010	Temp Daily Max (°C) Beginning June 1, 2012			Report		Continuous	Recorder
00010	Temp MWAT (°C) Beginning June 1, 2012		Report			Continuous	Recorder
00400	pH (su)			6.5-9		5 Days/Week	Grab
51040	E. coli (#/100 ml)	131	262			2 Days/Week	Grab
50060	TRC (mg/l), until June 30, 2015	Report		0.10		3 Days/Week	Grab
50060	TRC (mg/l), beginning July 1, 2015	0.041		0.065		3 Days/Week	Grab
00615	Nitrite as N (mg/l)	Report		Report		2 Days/Week	Grab
00610	NH3 as N, Tot (mg/l) Jan	4.8		13		2 Days/Week	Grab
00610	NH3 as N, Tot as N (mg/l) Feb	4.9		13		2 Days/Week	Grab
00610	NH3 as N, Tot (mg/l) Mar	2.9		18		2 Days/Week	Grab
00610	NH3 as N, Tot (mg/l) Apr	6		19		2 Days/Week	Grab
00610	NH3 as N, Tot (mg/l) May	8		29		2 Days/Week	Grab
00610	NH3 as N, Tot (mg/l) Jun	10.4		40		2 Days/Week	Grab
00610	NH3 as N, Tot (mg/l) Jul	5.9		34		2 Days/Week	Grab
00610	NH3 as N, Tot (mg/l) Aug	7.3		39		2 Days/Week	Grab
00610	NH3 as N, Tot (mg/l) Sep	8.6		31		2 Days/Week	Grab
00610	NH3 as N, Tot (mg/l) Oct	8		24		2 Days/Week	Grab
00610	NH3 as N, Tot (mg/l) Nov	8.2		22		2 Days/Week	Grab
00610	NH3 as N, Tot (mg/l) Dec	7.1		18		2 Days/Week	Grab
00310	BOD5 (mg/l)	30	45			Monthly	Grab
81010	BOD5 (% removal)	85 (min)				Monthly	Calculated
00530	TSS (mg/l)	30	45			2 Days/Month	Grab
81011	TSS (% removal)	85 (min)				Weekly	Calculated
03582	Oil and Grease (mg/l)			Report		2 Days/Week	Visual
03582	Oil and Grease (mg/l)			10		Contingent	Grab
01313	Cd, PD (µg/l)	Report		Report		Monthly	Grab
01306	Cu, PD (µg/l)	38		160		Monthly	Grab
00980	Fe, TR (µg/l)	Report				Monthly	Grab
01318	Pb, PD (µg/l)	Report		Report		Monthly	Grab
1319	Mn, PD (µg/l)	Report		Report		Monthly	Grab
71900	Hg, Tot (µg/l)						Grab

	Until December 31, 2014	Report		Monthly	Composite
	Beginning January 1, 2015	0.034		Monthly	Composite
01323	Se, PD (µg/l)	5	53	Monthly	Grab
01304	Ag, PD (µg/l)	5	75	Quarterly	Grab
11503	Radium 226+228 pCi/L	Report	Report	Quarterly	Grab
00940	Chloride (mg/l)	Report		Monthly	Grab
51568	Nonylphenol (µg/l)	Report	Report	Quarterly	Grab
51032	Chlordane (ug/l)	Report	Report	Monthly	Grab
39100	Ethylhexyl phthalate (Bis-2) ug/l	9.2		Monthly	Grab
	WET, chronic				
	Until December 31, 2014				
TKP6C	Static Renewal 7 Day Chronic <i>Pimephales promelas</i>		Report NOEC or IC25 ≥ IWC	Quarterly	3 Grabs / Test
TKP3B	Static Renewal 7 Day Chronic <i>Ceriodaphnia dubia</i>		Report NOEC or IC25 ≥ IWC	Quarterly	3 Grabs / Test
	Beginning January 1, 2015				
TKP6C	Static Renewal 7 Day Chronic <i>Pimephales promelas</i>		NOEC or IC25 ≥ IWC	Quarterly	3 Grabs / Test
TKP3B	Static Renewal 7 Day Chronic <i>Ceriodaphnia dubia</i>		NOEC or IC25 ≥ IWC	Quarterly	3 Grabs / Test

Permitted Feature 002A

<u>ICIS Code</u>	<u>Effluent Parameter</u>	<u>Effluent Limitations Maximum Concentrations</u>				<u>Monitoring Requirements</u>	
		<u>30-Day Average</u>	<u>7-Day Average</u>	<u>Daily Maximum</u>	<u>2-Year Average</u>	<u>Frequency</u>	<u>Sample Type</u>
50050	Effluent Flow (MGD)	2.68		Report		Continuous	Recorder
00010	Temp Daily Max (°C) Beginning June 1, 2012			Report		Continuous	Recorder
00010	Temp MWAT (°C) Beginning June 1, 2012		Report			Continuous	Recorder
00400	pH (su)			6.5-9		5 Days/Week	Grab
50060	TRC (mg/l)	Report		0.5		3 Days/Week	Grab
00615	Nitrite as N (mg/l)	Report		Report		2 Days/Week	Grab
00610	NH3 as N, Tot (mg/l)	Report		Report		2 Days/Week	Grab
00310	BOD5 (mg/l)	30	45			Monthly	Grab
81010	BOD5 (% removal)	85 (min)				Monthly	Calculated
00530	TSS (mg/l)	30	45			2 Days/Month	Grab
81011	TSS (% removal)	85 (min)				Weekly	Calculated
03582	Oil and Grease (mg/l)			Report		2 Days/Week	Visual
03582	Oil and Grease (mg/l)			10		Contingent	Grab
01313	Cd, PD (µg/l)	Report		Report		Monthly	Grab
01306	Cu, PD (µg/l)	38		160		Monthly	Grab

00980	Fe, TR (µg/l)	Report		Monthly	Grab
01318	Pb, PD (µg/l)	Report	Report	Monthly	Grab
1319	Mn, PD (µg/l)	Report	Report	Monthly	Grab
71900	Hg, Tot (µg/l)				Grab
	Until December 31, 2014	Report		Monthly	Composite
	Beginning January 1, 2015	0.034		Monthly	Composite
01323	Se, PD (µg/l)	5	53	Monthly	Grab
01304	Ag, PD (µg/l)	5	75	Quarterly	Grab
11503	Radium 226+228 pCi/L	Report	Report	Quarterly	Grab
00940	Chloride (mg/l)	Report		Monthly	Grab
51568	Nonylphenol (µg/l)	Report	Report	Quarterly	Grab
51032	Chlordane (ug/l)	Report	Report	Monthly	Grab
39100	Ethylhexyl phthalate (Bis-2) ug/l	9.2		Monthly	Grab
	WET, chronic				
	Until December 31, 2014				
TKP6C	Static Renewal 7 Day Chronic <i>Pimephales promelas</i>		Report NOEC or IC25 ≥ IWC	Quarterly	3 Grabs / Test
TKP3B	Static Renewal 7 Day Chronic <i>Ceriodaphnia dubia</i>		Report NOEC or IC25 ≥ IWC	Quarterly	3 Grabs / Test
	Beginning January 1, 2015				
TKP6C	Static Renewal 7 Day Chronic <i>Pimephales promelas</i>		NOEC or IC25 ≥ IWC	Quarterly	3 Grabs / Test
TKP3B	Static Renewal 7 Day Chronic <i>Ceriodaphnia dubia</i>		NOEC or IC25 ≥ IWC	Quarterly	3 Grabs / Test

Permitted Feature 050A, 050C, 050D, 050F

ICIS Code	Effluent Parameter	Effluent Limitations Maximum Concentrations			Monitoring Requirements	
		30-Day Average	7-Day Average	Daily Maximum	Frequency	Sample Type
00400	pH (su)			6.5-8.5	Monthly	Grab
74056	Total Coliform (#/100 ml)	2.2		23	Monthly	Grab
00640	Total Inorganic Nitrogen (T.I.N.), mg/l, until October 31, 2017			Report	Monthly	Grab
00640	Total Inorganic Nitrogen (T.I.N.), mg/l, beginning November 1, 2017			10	Monthly	Grab
70295	Total Dissolved Solids (TDS), mg/l					
	Until October 31, 2018	Report			Monthly	
	Beginning November 1, 2018	400			Monthly	Grab
82545	Static Water Elevation in monitoring well, ft above mean sea level	Report			Monthly	Measured
01046	Fe, Dis (ug/l)	Report			Monthly	Grab
39100	Ethylhexyl phthalate (Bis-2) ug/l (ug/l)					
	Until December 31, 2014	9.2			Monthly	Grab

Beginning January 1, 2015	2.5	Monthly	Grab
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**3. Monitoring Frequency and Sample Type Influent Parameters**

Regardless of whether or not an effluent discharge occurs and in order to obtain an indication of the current influent loading as compared to the approved capacity specified in Part I.A.3 and Part I.B.2; the permittee shall monitor influent parameters at the following required frequencies, the results to be reported on the Discharge Monitoring Report (See Part I.D):

If the permittee monitors any parameter more frequently than required by the permit, using an approved test procedure or as specified in the permit, the result of this monitoring shall be included in the calculation and reporting of data to the Division.

Self-monitoring samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):**300L**.

Permitted Feature 300L

<u>ICIS Code</u>	<u>Influent Parameter</u>	<u>Frequency</u>	<u>Sample Type</u>
50050 G	Flow, MGD	Continuous	Recorder
00180 G	Plant Capacity (% of Capacity - Hydraulic) *	Monthly	Calculated
00310 G	BOD <sub>5</sub> , mg/l	Monthly	Composite
00310 G	BOD <sub>5</sub> , lbs/day	Monthly	Calculated
00180 G	Plant Capacity (% of Capacity - Organic) *	Monthly	Calculated
00530 G	Total Suspended Solids, TSS, mg/l	2 Days/Month	Composite

\* The % capacity is to be reported against the listed capacities of 2.68 MGD for the hydraulic capacity and 13,300 lbs/BOD per day for the organic capacities as noted in Site Approval #4192. The percentage should be calculated using the 30-day average values divided by the corresponding capacity, times 100.

**4. Special Monitoring**

The permittee is to perform a one-time sampling from groundwater wells 050A, 050C, 050D, and 050F for the following parameters: dissolved barium and dissolved beryllium. These results should be submitted to the Permits Section by April 1, 2013.

**B. TERMS AND CONDITIONS**

**1. Service Area**

All wastewater flows contributed in the service area may be accepted by the City of Sterling for treatment at the permittee's wastewater treatment plant provided that such acceptance does not cause or contribute to an exceedance of the throughput or design capacity of the treatment works or the effluent limitations in Part I.A, or constitute a substantial impact to the functioning of the treatment works, degrade the quality of the receiving waters, or harm human health, or the environment.

In addition, the permittee shall enter into and maintain service agreements with any municipalities that discharge into the wastewater treatment facility. The service agreements shall contain all provisions necessary to protect the financial, physical, and operational integrity of the wastewater treatment works.

**2. Design Capacity**

Based on Site Approval #4192, the design capacity of this domestic wastewater treatment works is **2.68 million gallons per day (MGD)** for hydraulic flow (30-day average) and **13,300 lbs. BOD<sub>5</sub> per day** for organic loading (30-day average).

### 3. Expansion Requirements

Pursuant to Colorado Law, C.R.S. 25-8-501 (5 d & e), the permittee is required to initiate engineering and financial planning for expansion of the domestic wastewater treatment works whenever throughput reaches eighty (80) percent of the treatment capacity. Such planning may be deemed unnecessary upon a showing that the area served by the domestic wastewater treatment works has a stable or declining population; but this provision shall not be construed as preventing periodic review by the Division should it be felt that growth is occurring or will occur in the area.

The permittee shall commence construction of such domestic wastewater treatment works expansion whenever throughput reaches ninety-five (95) percent of the treatment capacity or, in the case of a municipality, either commence construction or cease issuance of building permits within such municipality until such construction is commenced; except that building permits may continue to be issued for any construction which would not have the effect of increasing the input of wastewater to the sewage treatment works of the municipality involved.

Where unusual circumstances result in throughput exceeding 80% of treatment capacity, the permittee may, in lieu of initiating planning for expansion, submit a report to the Division that demonstrates that it is unlikely that the event will reoccur, or even if it were to reoccur, that 95% of the treatment capacity would not be exceeded.

Where unusual circumstances result in throughput exceeding 95% of the treatment capacity, the permittee may, in lieu of initiating construction of the expansion, submit a report to the Division that demonstrates that the domestic wastewater treatment works was in compliance at all times during the events and that it is extremely unlikely that the event will reoccur.

Where the permittee submits a report pursuant to unusual circumstances, and the Division, upon review of such report, determines in writing to the permittee that the report does not support the required findings, the permittee shall initiate planning and/or construction of the domestic wastewater treatment works as appropriate.

### 4. Facilities Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control including all portions of the collection system and lift stations owned by the permittee (and related appurtenances) which are installed or used by the permittee as necessary to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and 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. However, the permittee shall operate, at a minimum, one complete set of each main line unit treatment process whether or not this process is needed to achieve permit effluent compliance. Any sludge produced at the wastewater treatment facility shall be disposed of in accordance with State and Federal guidelines and regulations.

### 5. Chronic WET Testing -Outfall(s):001

#### a. General Chronic WET Testing and Reporting Requirements

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

The following minimum dilution series should be used: 0% effluent (control), 7%, 14%, 27%, 64%, and 100% effluent. 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 (if applicable) as was initially used in the failed test.

Tests shall be done at the frequency listed in Part I.A.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.

b. Violations of the Permit Limit, Failure of One Test Statistical Endpoint and Division Notification

A chronic WET test is considered a violation of a permit limitation when both the NOEC and the IC<sub>25</sub> are at any effluent concentration less than the IWC. The IWC for this permit has been determined to be **27%** effluent.

A chronic WET test is considered to have failed one of the two statistical endpoints when either the NOEC or the IC<sub>25</sub> are at any effluent concentration less than the IWC. The IWC for this permit has been determined to be **27%** effluent.

In the event of a permit violation, or when two consecutive reporting periods have resulted in failure of one of the two statistical endpoints (regardless of which statistical endpoints are failed), the permittee must provide written notification to the Division. Such notification should explain whether it was a violation or two consecutive failures of a single endpoint, and must 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.**

c. Automatic Compliance Response

The permittee is responsible for implementing the automatic compliance response provisions of this permit when one of the following occurs:

- there is a violation of the permit limit (both the NOEC and the IC<sub>25</sub> endpoints are less than the applicable IWC)
- two consecutive monitoring periods have resulted in failure of one of the two statistical endpoints (either the IC<sub>25</sub> or the NOEC)
- the permittee is otherwise informed by the Division that a compliance response is necessary

When one of the above listed events occurs, the following automatic compliance response shall apply. The permittee shall either:

- conduct accelerated testing using the single species found to be more sensitive
- conduct a Toxicity Identification Evaluation (TIE) or a Toxicity Reduction Evaluation (TRE) investigation as described in Part I.A.3.b.

i. Accelerated Testing

If accelerated testing is being performed, testing will be at least once every two weeks for up to five tests with only one test being run at a time, using only the IC<sub>25</sub> statistical endpoint to determine if the test 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 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. 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.

ii. Toxicity Identification Evaluation (TIE) or Toxicity Reduction Evaluation (TRE)

If a TIE or a TRE is being performed, the results of the investigation are to be received by the Division within 180 calendar days of the demonstration chronic 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 or 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 perform either item 1 or item 2 below.

- 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;
- 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.

d. 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.

6. **Compliance Schedule(s)**

All information and written reports required by the following compliance schedules should be directed to the Permits Section for final review unless otherwise stated.

a. Installation of Temperature Monitoring Equipment - The following compliance schedule is included to give the facility time to install temperature monitoring equipment for the effluent.

Code	Event	Description	Due Date
04301	Install Temperature Meters	The permittee is to submit a document certifying that continuous temperature and flow monitoring equipment has been installed and is operational.	June 1, 2012

b. Activities to Meet Total Mercury (groundwater) Final Limits – In order to meet the final limitations, the following schedule will be included in the permit.

Code	Event	Description	Due Date
43699	Facility Evaluation Plan	Submit a report that identifies sources of mercury to the wastewater treatment facility and identifies strategies to control these sources or treatment alternatives such that compliance with the final limitations may be attained. If the limitation can be met, submit a statement to that effect and documentation to verify that the limitation can be met.	05/31/2012
00899	Implementation Schedule	Submit a progress report summarizing the progress in implementing the strategies to control sources such that compliance with the final limitations may be attained.	01/01/2013
00899	Implementation Schedule	Submit a progress report summarizing the progress in implementing the strategies to control sources such that compliance with the final limitations may be attained.	01/01/2014
CS017	Achieve Final Compliance with Emissions or Discharge Limits	Submit study results that show compliance has been attained with the final limitations.	01/01/2015

c. Activities to Meet Total Dissolved Solids (groundwater) Final Limits – In order to meet the final limitations, the following schedule will be included in the permit.

Code	Event	Description	Due Date
43699	Facility Evaluation Plan	Submit a report that identifies sources of total dissolved solids to the wastewater treatment facility and identifies strategies to control these sources or treatment alternatives such that compliance with the final limitations may be attained. If the limitation can be met, submit a statement to that effect and documentation to verify that the limitation can be met.	12/31/2013
00899	Implementation Schedule	Submit a progress report summarizing the progress in implementing the strategies to control sources such that	12/31/2014

		compliance with the final limitations may be attained.	
00899	Implementation Schedule	Submit a progress report summarizing the progress in implementing the strategies to control sources such that compliance with the final limitations may be attained.	12/31/2015
CS017	Achieve Final Compliance with Emissions or Discharge Limits	Submit study results that show compliance has been attained with the final limitations.	11/01/2018

d. Activities to Meet TRC Final Limits – In order to meet TRC final limits, the following schedule for construction (if deemed necessary by the permittee) will be included in the permit.

Code	Event	Description	Due Date
06599	Hire a Consultant/ Professional Engineer	Submit a letter of notification that a Colorado licensed engineering consultant has been obtained and funding has been secured for planning aspects	December 31, 2013
CS011	Plan, Report, or Scope of Work	Submit a letter of notification that Preliminary Effluent Limits (PELs) have been received and report progress in obtaining funding for design and construction aspects	June 30, 2014
73905	Engineering Plan	Submit a letter of notification that funding has been obtained for design and construction aspects, and final plans specifications have been submitted to the Division. Note that a Site Application and a preliminary design must be submitted and approved by the Division prior to final plans and specifications.	December 31, 2014
CS015	Commence Required Work or On-Site Construction	Submit a letter of notification that Final Design Approval has been received from the Division and construction has commenced.	March 31, 2015
CS016	Complete Required Work or On-Site Construction	Complete construction of facilities or other appropriate actions, which will allow the permittee to meet the final limitations.	June 30, 2015

e. Activities to Meet T.I.N. Final Limits – In order to meet T.I.N. final limits, the following schedule for construction (if deemed necessary by the permittee) will be included in the permit.

Code	Event	Description	Due Date
06599	Hire a Consultant/ Professional Engineer	Submit a letter of notification that a Colorado licensed engineering consultant has been obtained and funding has been secured for planning aspects	October 31, 2013
CS011	Plan, Report, or Scope of Work	Submit a letter of notification that Preliminary Effluent Limits (PELs) have been received and report progress in obtaining funding for design and construction aspects	October 31, 2014
73905	Engineering Plan	Submit a letter of notification that funding has been obtained for design and construction aspects, and final plans specifications have been submitted to the Division. Note that a Site Application and a preliminary design must be submitted and approved by the	October 31, 2015

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		Division prior to final plans and specifications.	
CS015	Commence Required Work or On-Site Construction	Submit a letter of notification that Final Design Approval has been received from the Division and construction has commenced.	October 31, 2016
CS010	Status/Progress Report	Submit a construction progress report summarizing the progress in construction or other activities.	April 1, 2017
CS016	Complete Required Work or On-Site Construction	Complete construction of facilities or other appropriate actions, which will allow the permittee to meet the final limitations.	October 31, 2017

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No later than 14 calendar days following each date identified in the above schedules of compliance, the permittee shall submit either a report of progress or, in the case of specific actions being required by identified dates, a written notice of compliance or noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

**7. Industrial Waste Management**

- a. The Permittee shall develop, implement, document and enforce an industrial pretreatment program (pretreatment program) in accordance with the General Pretreatment Regulations found in 40 CFR Part 403, the Colorado Pretreatment Regulations, Regulation 60 (5 CCR 1002-63) and the approved pretreatment program submitted by the Permittee. The pretreatment program was approved by EPA on **April 30, 1985** and includes subsequent modifications approved by the Approval Authority. The permittee must continue to implement the pretreatment program as approved by the Approval Authority as a condition of this permit, including all approved modification thereto. The approved pretreatment program shall be implemented in a manner consistent with the following procedures, as required by 40 CFR Part 403:
  - i. In accordance with 40 CFR 122.44(j)(1), Identify, in terms of character and volume of pollutants, any Significant Industrial Users discharging into the POTW subject to Pretreatment Standards under section 307(b) of CWA and 40 CFR part 403.
  - ii. Industrial user information shall be updated at a minimum of once per year or at that frequency necessary to ensure that all Industrial Users are properly permitted and/or controlled as necessary for the permittee to fully implement the pretreatment program. The records shall be maintained and updated as necessary;
  - iii. The Permittee shall sample and inspect each Significant Industrial User (SIU) at least once per calendar year. This is in addition to any industrial self-monitoring activities. If the Permittee performs sampling for any SIU and sampling results indicate a violation of any Pretreatment Standards or requirements, then the Permittee shall perform any repeat sampling and analysis within 30 calendar days of becoming aware of the violation;
  - iv. The Permittee shall evaluate whether each SIU needs a plan to control Slug Discharges. SIUs must be evaluated within 1 year of being designated an SIU. Where needed, the Permittee shall require the SIU to prepare or update, and then implement the plan. Where a slug prevention plan is required, the Permittee shall ensure that the plan contains at least the minimum required elements. If required, the Permittee shall incorporate slug control requirements into the control mechanism for the SIU;
  - v. The Permittee shall investigate instances of non-compliance with Pretreatment Standards and requirements indicated in required reports and notices or indicated by analysis, inspection, and surveillance activities.
  - vi. The Permittee shall enforce all applicable Pretreatment Standards and requirements and obtain remedies for noncompliance by any industrial user as defined in the permittee's Enforcement Response Plan;
  - vii. The Permittee shall control, through the legal authority in the approved pretreatment program, the contribution to the Publicly Owned Treatment Works (POTW) by each industrial user to ensure compliance with applicable Pretreatment Standards and requirements. In the case of industrial users identified as significant. This control shall be achieved through permit, order, or similar means and shall contain, at a minimum, the following conditions:

- (A) Statement of duration (in no case more than five (5) years);
  - (B) Statement of non-transferability without, at a minimum, prior notification to the Permittee and provision of a copy of the existing control mechanism to the new owner or operator;
  - (C) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards, Categorical Pretreatment Standards, local limits, and State and local law;
  - (D) Self-monitoring, sampling, reporting, notification and record keeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, including documentation on BMP compliance, based on the applicable Pretreatment Standards, Categorical Pretreatment Standards, local limits, and State and local law;
  - (E) Statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond deadlines mandated by federal statute or regulation; and,
  - (F) Requirements to control Slug Discharges, if determined by the POTW to be necessary.
- viii. The Permittee shall provide adequate staff, equipment, and support capabilities to carry out all elements of the pretreatment program;
- ix. The approved program shall not be substantially modified by the Permittee without the approval of the EPA. Substantial and non-substantial modifications shall follow the procedures outlined in 40 CFR 403.18. A copy any submittals required by 40 CFR 403.18 shall be provided to the Division at the time of submittal to the Approval Authority;
- x. The Permittee shall develop, implement, and maintain an Enforcement Response Plan;
- xi. The Permittee shall develop and implement procedures for determination and documentation of instances of Significant Non-Compliance as defined at 40 CFR Section 403.8(f)(2)(viii)(A-H);
- xii. The Permittee shall notify all Industrial Users of the users' obligations to comply with applicable requirements under Subtitles C and D of the Resource Conservation and Recovery Act (RCRA); and
- xiii. The Permittee shall establish, where necessary, legally binding agreements with contributing jurisdictions to ensure compliance with applicable Pretreatment requirements by industrial users within these jurisdictions. These legally binding agreements must identify the agency responsible for the Pretreatment implementation and enforcement activities in the contributing jurisdictions and outline the specific roles, responsibilities and pretreatment activities of each jurisdiction.
- b. The Permittee shall prohibit the introduction of the following pollutants into the POTW.:
- i. Any pollutant which may cause Pass Through or Interference;
  - ii. Pollutants which create a fire or explosion hazard in the publicly owned treatment works (POTW), including, but not limited to, wastestreams with a closed cup flashpoint of less than sixty (60) degrees Centigrade (140 degrees Fahrenheit) using the test methods specified in 40 CFR 261.21;
  - iii. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, unless the works are specifically designed to accommodate such discharges;
  - iv. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW, or other interference with the operation of the POTW;
  - v. Any pollutant, including oxygen demanding pollutants (e.g., BOD), released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW;

- vi. Heat in amounts which will inhibit biological activity in the POTW resulting in Interference but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds forty (40) degrees Centigrade (104 degrees Fahrenheit) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits;
  - vii. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through;
  - viii. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
  - ix. Any trucked or hauled pollutants, except at discharge points designated by the POTW; and,
  - x. Any specific pollutant that exceeds a local limitation established by the POTW in accordance with the requirements of 40 CFR 403.5(c) and (d).
- c. The Permittee shall establish and enforce specific local limits to implement the general and specific prohibitions found in 40 CFR 403.5(a) and (b). The Permittee shall continue to develop these limits as necessary and effectively enforce such limits. Where the Permittee determines that revised or new local limits are necessary, the Permittee shall submit the proposed local limits to the Approval Authority in an approvable form in accordance with 40 CFR 403.18.
- In accordance with 40 CFR 122.44(j)(2)(ii), the permittee shall submit to the Division and Approval Authority a technical evaluation of the need to revise or develop local limits in accordance with 40 CFR 403.5(c) , by **12 MONTHS FROM EFFECTIVE DATE**. The evaluation shall include, but not be limited to, a consideration of any new or revised numeric and practice-based effluent limits in this permit. If a technical evaluation reveals that development or revision of local limits is necessary, the permittee shall submit a program modification with the proposed revised local limits to the Division and Approval Authority in an approvable form by **24 MONTHS FROM EFFECTIVE DATE**, and implement the new local limits within 12 months of approval by the Approval Authority.
- d. The Permittee shall analyze the treatment facility influent and effluent for the presence of the toxic pollutants listed in 40 CFR Part 122 Appendix D (NPDES Application Testing Requirements) Table II at least **every 6 months** and the toxic pollutants in Table III at least **every 2 years**. If, based upon information available to the Permittee, there is reason to suspect the presence of any toxic or hazardous pollutant listed in Table V, or any other pollutant in a quantity or concentration known or suspected to adversely affect POTW operation, receiving water quality, or solids disposal procedures, analysis for those pollutants shall be performed at least **every 2 years** on both the influent and the effluent.
- i. Along with the Permittee's pretreatment annual report, the Permittee will submit a list of compounds included in Table V that are suspected or known to be present in its influent wastewater and any other pollutant monitored in accordance with 8.d based on being known or suspected to adversely affect POTW operation, receiving water quality, or solids disposal procedures. This determination shall be based on a review of the Permittee's effluent monitoring data and pretreatment program records. The state permitting authority and/or Approval Authority may review and comment on the list and the list may be revised if, in the opinion of the state permitting authority and/or Approval Authority, the list is incomplete. Analysis for the revised list of compounds and pollutants for which there are acceptable testing procedures shall be performed at least **[every 2 years]** on both the influent and the effluent.
  - ii. Where the pollutants monitored in accordance with this section are reported as being above the method detection limit, the results for these pollutants shall be reported in the Permittee's pretreatment annual report, if required by EPA.
- e. The Permittee shall analyze the treatment facility sludge (biosolids) prior to disposal, for the presence of toxic pollutants listed in 40 CFR 122 Appendix D (NPDES Application Testing Requirements) Table III at least once per year. If the Permittee does not dispose of biosolids during the calendar year, the Permittee shall certify to that in the Pretreatment Annual Report and the monitoring requirements in this paragraph shall be suspended for that calendar year.
- i. The Permittee shall review the pollutants in 40 CFR Part 122, Appendix D, tables II and V. If any of the pollutants in these tables were above detection in the influent samples during the previous 2 years or the last two analyses, whichever is greater, the Permittee shall sample and analyze its sewage sludge for these pollutants. The Permittee

shall perform this evaluation and analysis at least once per year.

- ii. The Permittee shall use sample collection and analysis procedures as approved for use under 40 CFR Part 503 or specified in the EPA Region 8 General Permit for biosolids.
  - iii. The Permittee shall report the results for these pollutants in the Permittee's pretreatment annual report, if required by EPA.
- f. All analyses shall be in accordance with test procedures established in 40 CFR Part 136 and in accordance with Part I.D.5.
- g. Sampling methods shall be those defined in 40 CFR Part 136, 40 CFR Part 403, as defined in this permit, or as specified by the Approval Authority. Where sampling methods are not specified, the influent and effluent samples collected shall be composite samples consisting of at least twelve (12) aliquots collected at approximately equal intervals over a representative 24-hour period and composited according to flow. Where automated composite sampling is inappropriate, at least four (4) grab samples shall be manually taken at equal intervals over a representative 24-hour period, and composited prior to analysis using approved methods; alternatively, the individual grab samples may be analyzed separately and the results from the respective grab samples mathematically combined based on flow (i.e., flow weighted) for the final result.
- h. The Permittee shall prepare annually a list of industrial users, which during the preceding twelve (12) months have significantly violated Pretreatment Standards or requirements. This list is to be published annually in a newspaper of general circulation in the Permittee's service area.

In addition, on or before March 28, the Permittee shall submit a pretreatment program annual report to the Approval Authority and the state permitting authority that contains the information requested by EPA, or at a minimum the following information:

- i. An updated list of all SIUs. For each SIU listed the following information shall be included:
  - (A) All applicable Standard Industrial Classification (SIC) codes and categorical determinations, as appropriate. In addition, a brief description of the industry and general activities;
  - (B) Permit status. Whether each SIU has an unexpired control mechanism and an explanation as to why any SIUs are operating without a current, unexpired control mechanism (e.g. permit);
  - (C) A summary of all monitoring activities performed within the previous twelve (12) months. The following information shall be reported:
    - Total number of SIUs inspected; and
    - Total number of SIUs sampled.
- ii. For all industrial users that were in Significant Non-Compliance during the previous twelve (12) months, provide the name of the violating industrial user; indicate the nature of the violations, the type and number of actions taken (administrative order, criminal or civil suit, fines or penalties collected, etc.) and current compliance status. Indicate if the company returned to compliance and the date compliance was attained. Determination of Significant Non-Compliance.
- iii. A summary of all enforcement actions not covered by the paragraph above conducted in accordance with the approved Enforcement Response Plan.
- iv. A list of all SIUs whose authorization to discharge to the POTW was terminated or revoked during the preceding twelve (12) month period and the reason for termination;
- v. A report on any Interference, Pass Through, upset or NPDES permit violations known or suspected to be caused by non-domestic discharges of pollutant and actions taken by the Permittee in response;
- vi. Verification of publication of industrial users in Significant Non-Compliance;



- vii. Identification of the specific locations, if any, designated by the Permittee for receipt (discharge) of trucked or hauled waste, if modified since the previous annual report;
- viii. Information as required by the Approval Authority or state permitting authority on the discharge to the POTW from the following activities:
  - (A) Ground water clean-up from underground storage tanks;
  - (B) Trucked or hauled waste; and,
  - (C) Groundwater clean-up from RCRA or Superfund sites.
- ix. A description of all changes made during the previous calendar year to the Permittee's pretreatment program that were not previously submitted as substantial or non substantial modifications, as defined in 40 CFR 403.18, to EPA.
- x. The Permittee shall evaluate actual pollutants loadings against the approved Maximum Allowable Headworks Loadings (MAHLs) in the permittee's pretreatment program. Where the actual loading exceeds the MAHL, the Permittee shall immediately begin a program to either revise the existing local limit and/or undertake such other studies as necessary to evaluate the cause(s) of the exceedence. The Permittee shall provide a summary of its intended action.
- xi. Other information that may be deemed necessary by the Approval Authority.
- i. The Permittee must notify the Water Quality Control Division and the Approval Authority, of any new introductions by new or existing industrial users or any substantial change in pollutants from any industrial user within sixty (60) calendar days following the introduction or change, as required in 40 CFR 122.42(b)(1-3). Such notice must identify:
  - i. Any new introduction of pollutants into the POTW from an industrial user which would be subject to Sections 301, 306, and 307 of the Act if it were directly discharging those pollutants; or
  - ii. Any substantial change in the volume or character of pollutants being introduced into the POTW by any industrial user For the purposes of this section, "substantial change" shall mean a level of change which has a reasonable probability of affecting the Permittee's ability to comply with its permit conditions or to cause a violation of stream standards applied to the receiving water.;
  - iii. For the purposes of this section, adequate notice shall include information on:
    - a. The identity and address of the industrial user;
    - b. The nature and concentration of pollutants in the discharge and the average and maximum flow of the discharge to be introduced into the POTW; and
    - c. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from or biosolids produced at such POTW.
- j. Section 309(f) of the Act provides that EPA may issue a notice to the POTW stating that a determination has been made that appropriate enforcement action must be taken against an industrial user for noncompliance with any Pretreatment Standards and requirements. The notice provides the POTW with thirty (30) calendar days to commence such action. The issuance of such permit notice shall not be construed to limit the authority of the permit issuing authority or Approval Authority.
- k. The state permitting authority and/or the EPA retains, at all times, the right to take legal action against the industrial contributor for violations of a permit issued by the Permittee, violations of any Pretreatment Standard or requirement, or for failure to discharge at an acceptable level under national standards issued by EPA under 40 CFR, chapter I, subchapter N. In those cases where a NPDES permit violation has occurred because of the failure of the Permittee to properly develop and enforce Pretreatment Standards and requirements as necessary to protect the POTW, the state permitting authority and/or Approval Authority shall hold the Permittee responsible and may take legal action against the Permittee as well as the Indirect Discharger(s) contributing to the permit violation.
- l. Pretreatment Definitions
  - i. "Industrial User" means a source of an introduction of pollutants into a POTW that contain non-domestic wastewater regulated under section 307(b), (c) or (d) of the Clean Water Act.

- ii. "Interference" means a discharge which alone or in conjunction with a discharge or discharges from other sources, both:
  - a. Inhibits or disrupts the POTW, its treatment process or operations, or its sludge processes, use or disposal; and
  - b. Therefore is a cause of a violation of any requirement of this permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Federal Clean Water Act, the Solid Waste Disposal Act (SWDA) which includes Title II known as the Resource Conservation and Recovery Act, the Division's Domestic Sewage Sludge Regulations, the Federal Clean Air Act, or the Toxic Substance Control Act.
- iii. "Pass-through" means an indirect discharge that exits the POTW into waters of the state in quantities or concentrations that, alone or in conjunction with an indirect discharge or indirect discharges from other sources, is a cause of a violation of any requirement of the POTW's permit (including an increase in the magnitude or duration of a violation).
- iv. "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW.
- v. "Pretreatment Standards and requirements" means any regulation containing pollutant discharge limits promulgated by the Environmental Protection Agency in accordance with § 307 (b) and (c) of the Clean Water Act, including prohibitive discharge limits established pursuant to 40 C.F.R. 403.5 and which applies to Industrial Users and any substantive or procedural requirement related to pretreatment other than a National Pretreatment Standard, imposed on an Industrial User.
- vi. "Publicly Owned Treatment Works" or "POTW" means the wastewater treatment plant authorized to discharge in accordance with this permit. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to the wastewater treatment plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the introduction of pollutants into the POTW from any Industrial User and the discharges from the treatment works.
- vii. "Significant Industrial User" or "SIU" means a industrial users that :
  - a. is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N;
  - b. discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
  - c. contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW Treatment plant; or
  - d. is designated as such by the permittee on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement.
- viii. "Slug Discharge" is any discharge to the POTW of a non-routine, episodic nature, including but not limited to, an accidental spill or a noncustomary batch discharge.

### C. DEFINITION OF TERMS

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. "Antidegradation limits" – See "Two (2) - Year Rolling Average".
3. "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.
4. "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).

5. "Continuous" measurement, is a measurement obtained from an automatic recording device which continually measures provides measurements.
6. "Daily Maximum limitation" for all parameters except temperature, means the limitation for this parameter shall be applied as an instantaneous maximum (or, for pH or DO, instantaneous minimum) value. The instantaneous value is defined as the analytical result of any individual sample. DMRs shall include the maximum (and/or minimum) of all instantaneous values within the calendar month. Any instantaneous value beyond the noted daily maximum limitation for the indicated parameter shall be considered a violation of this permit.
7. "Daily Maximum Temperature (DM)" is defined in the Basic Standards and Methodologies for Surface Water 1002-31, as the highest two-hour average water temperature recorded during a given 24-hour period. This will be determined using a rolling 2-hour maximum temperature. If data is collected every 15 minutes, a 2 hour maximum can be determined on every data point after the initial 2 hours of collection. Note that the time periods that overlap days (Wednesday night to Thursday morning) do not matter as the reported value on the DMR is the greatest of all the 2-hour averages.

For example data points collected at:

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

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

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

8. "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.
9. "Geometric mean" for *E. coli* bacteria concentrations, the thirty (30) day and seven (7) day averages shall be determined as the geometric mean of all samples collected in a thirty (30) day period and the geometric mean of all samples taken in a seven (7) consecutive day period respectively. The geometric mean may be calculated using two different methods. For the methods shown, a, b, c, d, etc. are individual sample results, and n is the total number of samples.

Method 1:

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

Method 2:

Geometric Mean = antilog ( [log(a)+log(b)+log(c)+log(d)+...]/n )

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

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

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

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

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

10. "Grab" sample, is a single "dip and take" sample so as to be representative of the parameter being monitored.
11. "In-situ" measurement is defined as a single reading, observation or measurement taken in the field at the point of discharge.
12. "Instantaneous" measurement is a single reading, observation, or measurement performed on site using existing monitoring facilities.
13. "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 8<sup>th</sup> 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.

1<sup>st</sup> MWAT Calculation as average of previous 7 days

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

2<sup>nd</sup> MWAT Calculation as average of previous 7 days

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

3<sup>rd</sup> MWAT Calculation as average of previous 7 days

14. "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.
15. "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.D of this permit or the PQLs of an individual laboratory.
16. "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.
17. "Recorder" requires the continuous operation of a chart and/or totalizer (or drinking water rotor meters or pump hour meters where previously approved.)

18. "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.5 for guidance on calculating averages and reporting analytical results that are less than the PQL).**
19. "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, which represents a calendar month. 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.5 for guidance on calculating averages and reporting analytical results that are less than the PQL).**
20. Toxicity Identification Evaluation (TIE) is a set of site-specific procedures used to identify the specific chemical(s) causing effluent toxicity.
21. "Total Inorganic Nitrogen (T.I.N.)" is an aggregate parameter determined based on ammonia, nitrate and nitrite concentrations. To determine T.I.N. concentrations, the facility must monitor for total ammonia and total nitrate plus nitrite (or nitrate and nitrite individually) on the same days. The calculated T.I.N. concentrations in mg/L shall then be determined as the sum of the analytical results of same-day sampling for total ammonia (as N) in mg/L, and total nitrate plus nitrite (as N) in mg/L (or nitrate as N and nitrite as N individually). From these calculated T.I.N. concentrations, the daily maximum and thirty (30) day average concentrations for T.I.N. shall be determined in the same manner as set out in the definitions for the daily maximum and thirty (30) day average. **(See the "Analytical and Sampling Methods for Monitoring and Reporting Section in Part I.D.5 for guidance on calculating averages and reporting analytical results that are less than the PQL).**
22. "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.
23. "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.
24. 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.
25. "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.
26. "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.
27. "Two (2) -Year Rolling Average" - Antidegradation limits apply as the average of all data collected in a two (2) year (24-month) period. These limits become effective upon the effective date of the permit, but are not reportable on a DMR until two years (typically 24 months) of data have been collected. After data has been collected for 24 months, the 30-day averages for each month are then averaged together to determine the two-year rolling average (using data from month 1 to month 24, then month 2 to month 25, month 3 to month 26, etc).

For ammonia, two-year rolling averages may be set up for individual months, or may be grouped together for several months. For individual months (every month has a different two-year rolling average limit) the two-year average is reportable after two months of data are collected.

Example: Permit is effective Jan 2010 and there is a two-year rolling average limit specific to the month of January.

Jan 2010 DMR – Nothing to Report  
Jan 2011 DMR – 2-Year Average of Jan 2010 and Jan 2011  
Jan 2012 DMR – 2-Year Average of Jan 2011 and Jan 2012, etc.

Where several months have the same two-year average limit, it is reportable on the DMR after two months of data have been collected for every month in the group.

Example: Permit is effective Jan 2010 and there is a two-year rolling average limit specific to the months of Jan, Feb, June.

1<sup>st</sup> Reportable DMR – June 2011 - 2-Year Average Jan 2010 Feb 2010 June 2010 Jan 2011 Feb 2011 June 2011  
2<sup>nd</sup> Reportable DMR – Jan 2012 - 2-Year Average Feb 2010 June 2010 Jan 2011 Feb 2011 June 2011 Jan 2012  
3<sup>rd</sup> Reportable DMR – Feb 2012 - 2-Year Average June 2010 Jan 2011 Feb 2011 June 2011 Jan 2012 Feb 2012, etc.

**(See the “Analytical and Sampling Methods for Monitoring and Reporting Section in Part I.D.5 for guidance on calculating averages and reporting analytical results that are less than the PQL).**

28. "Visual" observation is observing the discharge to check for the presence of a visible sheen or floating oil.
29. "Water Quality Control Division" or "Division" means the state Water Quality Control Division as established in 25-8-101 et al.)

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.

## **D. GENERAL MONITORING, SAMPLING AND REPORTING REQUIREMENTS**

### **1. Routine Reporting of Data**

Reporting of the data gathered in compliance with Part I.A or Part I.B shall be on a **monthly** basis. Reporting of all data gathered shall comply with the requirements of Part I.D. (General Requirements). Monitoring results shall be summarized for each calendar month and reported on Division approved discharge monitoring report (DMR) forms (EPA form 3320-1).

The permittee must submit these forms either by mail, or by using the Division's Net-DMR service (when available). If mailed, one form shall be mailed to the Division, as indicated below, so that the DMR is 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 original signed copy of each discharge monitoring report (DMR) shall be submitted to the Division at the following address:

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

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

## 2. Annual Biosolids Report

The permittee shall provide the results of all biosolids monitoring and information on management practices, land application sites, site restrictions and certifications. Such information shall be provided no later than **February 19th** of each year. Reports shall be submitted addressing all such activities that occurred in the previous calendar year. If no biosolids were applied to the land during the reporting period, "no biosolids applied" shall be reported. Until further notice, biosolids monitoring results shall be reported on forms, or copies of forms, provided by the Division. Annual Biosolids Reports required herein, shall be signed and certified in accordance with the Signatory Requirements, Part I.D.1, and submitted as follows:

The original copy of each form shall be submitted to the following address:

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT,  
WATER QUALITY CONTROL DIVISION  
WQCD-PERMITS-B2  
4300 CHERRY CREEK DRIVE SOUTH  
DENVER, COLORADO 80246-1530

A copy of each form shall be submitted to the following address:

WATER PROGRAM REGIONAL BIOSOLIDS PROGRAM  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION VIII,  
1595 WYNKOOP STREET  
DENVER, CO 80202-2466

ATTENTION: BIOSOLIDS PROGRAM MANAGER

## 3. Representative Sampling

Samples and measurements taken for the respective identified monitoring points as required herein shall be representative of the volume and nature of: 1) all influent wastes received at the facility, including septage, biosolids, etc.; 2) the monitored effluent discharged from the facility; and 3) biosolids produced at the facility. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the influent, effluent, or biosolids wastestream joins or is diluted by any other wastestream, body of water, or substance. Monitoring points shall not be changed without notification to and prior approval by the Division.

## 4. Influent and Effluent Sampling Points

Influent and effluent sampling points shall be so designed or modified so that: 1) a sample of the influent can be obtained after preliminary treatment and prior to primary or biological treatment and 2) a sample of the effluent can be obtained at a point after the final treatment process and prior to discharge to state waters. The permittee shall provide access to the Division to sample at these points.

## 5. Analytical and Sampling Methods for Monitoring and Reporting

The permittee shall install, calibrate, use and maintain monitoring methods and equipment, including biological and indicated pollutant monitoring methods. All sampling shall be performed by the permittee according to specified methods in 40 C.F.R. Part 136; methods approved by EPA pursuant to 40 C.F.R. Part 136; or methods approved by the Division, in the absence of a method specified in or approved pursuant to 40 C.F.R. Part 136 (see text below for specifics on nonylphenol monitoring).

**If the permit contains a numeric effluent limit for a parameter, the analytical method and PQL selected for all monitoring conducted in accordance with this permit for that parameter shall be the one that can measure at or below the numeric effluent limit. If all specified analytical methods and corresponding PQLs are greater than the numeric effluent limit, then the analytical method with the lowest PQL shall be used.**

**If the permit contains a report only requirement for a parameter, the analytical method and PQL chosen shall be one that can measure at or below the potential numeric effluent limit(s) (maximum allowable pollutant concentration as shown in the WQA or fact sheet). If all analytical methods and corresponding PQLs are greater than the potential**

numeric effluent limit (s), then the analytical method with the lowest PQL shall be used.

**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 analytical method and PQL chosen for all monitoring conducted in accordance with this permit for the parameter shall be one that can measure to the final numeric effluent limit. If all analytical methods and corresponding PQLs are greater than the final numeric effluent limit (s), then the analytical method with the lowest PQL shall be used.**

For parameters such as TIN, the analytical methods chosen shall be those that can measure to the potential or final numeric effluent limit, based on the sum of the PQLs for nitrate, nitrite and ammonia.

When the analytical method which complies with the above requirements has a PQL greater than the permit limit, and the permittee's analytical result is less than the PQL, the permittee shall report "BDL" on the DMR. Such reports will not be considered as violations of the permit limit, as long as the lowest available PQL is used for the analysis. When the analytical method which complies with the above requirements has a PQL that is equal to or less than the permit limitation, and the permittee's analytical result is less than the PQL, "< X" (where X = the actual PQL achieved by the laboratory) shall be reported on the DMR. For parameters that have a report only limitation, and the permittee's analytical result is less than the PQL, "< X" (where X = the actual PQL achieved by the laboratory) shall be reported on the DMR.

In the calculation of average concentrations (i.e. 7-day average, 30-day average, 2-year rolling average) any individual analytical result that is less than the PQL shall be considered to be zero for the calculation purposes. When reporting:

If all individual analytical results are less than the PQL, the permittee shall report either "BDL" or "<X" (where X = the actual PQL achieved by the laboratory), following the guidance above.

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

Note that when calculating T.I.N. for a single sampling event, any value less than the PQL (for total ammonia, total nitrite, or total nitrate) shall be treated as zero. The T.I.N. concentration for a single sampling event shall then be determined as the sum of the analytical results (zeros if applicable) of same day sampling for total ammonia and total nitrite and total nitrate. From these calculated T.I.N. concentrations, the daily maximum and thirty day average concentrations shall be calculated and must be reported as a value.

The present lowest PQLs for specific parameters, as determined by the State Laboratory (November 2008) are provided below. If the analytical method cannot achieve a PQL that is less than or equal to the permit limit, then the method, or a more precise method, must achieve a PQL that is less than or equal to the PQL in the table below. A listing of the PQLs for organic parameters that must meet the above requirement can be found in the Division's Practical Quantitation Limitation Guidance Document, July 2008.

**For nonylphenol, until such time as there is an EPA 40 CFR Part 136 method, the State is approving use of ASTM Methods D7065 and D7485. Until a statewide PQL has been developed, the permittee shall use either the default PQLs listed in the table below, or develop their own site-specific PQL in accordance with the Practical Quantitation Limitation Guidance Document (July 2008) for Organic Parameters. This document is available on the Division's website at [www.coloradowaterpermits.com](http://www.coloradowaterpermits.com). The delayed effective date for the monitoring requirement allows time for the permittee to develop a site-specific PQL.**

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

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



Parameter	Practical Quantitation Limits,	Parameter	Practical Quantitation Limits, µg/l
Aluminum	50 µg/l	Mercury	0.1 µg/l
Ammonia	1 mg/l	Mercury (low-level)	0.003 µg/l
Arsenic	1 µg/l	Nickel	50 µg/l
Barium	5 µg/l	N-Ammonia	50 µg/l
Beryllium	1 µg/l	N Nitrate/Nitrite	0.5 mg/l
BOD / CBOD	1 mg/l	N-Nitrate	50 µg/l
Boron	50 µg/l	N-Nitrite	10 µg/l
Cadmium	1 µg/l	Total Nitrogen	0.5 mg/l
Calcium	20 µg/l	Phenols	100 µg/l
Chloride	2 mg/l	Phosphorus	10 µg/l
Chlorine	0.1 mg/l	Radium 226	1 pCi/l
Total Residual Chlorine		Radium 228	1 pCi/l
DPD colorimetric	0.10 mg/l	Selenium	1 µg/l
Amperometric titration	0.05 mg/l	Silver	0.5 µg/l
Chromium	20 µg/l	Sodium	0.2 mg/l
Chromium, Hexavalent	20 µg/l	Sulfate	5 mg/l
Copper	5 µg/l	Sulfide	0.2 mg/l
Cyanide (Direct / Distilled)	10 µg/l	Total Dissolved Solids	10 mg/l
Cyanide, WAD+A47	5 µg/l	Total Suspended Solids	10 mg/l
Fluoride	0.1 mg/l	Thallium	1 µg/l
Iron	10 µg/l	Uranium	1 µg/l
Lead	1 µg/l	Zinc	10 µg/l
Magnesium	20 µg/l	Nonylphenol D7065	10 µg/l
Manganese	2 µg/l	Nonylphenol D7485	0.33 µg/l

## 6. 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.
- 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.

## 7. Flow Measuring Devices

Unless exempted in Part I.A.2 of this permit, flow metering at the headworks shall be provided to give representative values of throughput and treatment of the wastewater system. The metering device shall be equipped with a local flow indication instrument and a flow indication-recording-totalization device suitable for providing permanent flow records, which should be in the plant control building.

For mechanical facilities, where influent flow metering is not practical and the same results may be obtained from metering at the effluent end of the treatment facility, this type of flow metering arrangement will be considered, and if approved, noted in Part I.A.2 of this permit. For lagoons, an instantaneous or continuous effluent flow measuring device shall be required in addition to the above described influent flow measuring device.

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 entering the facility.

## **8. Signatory 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:
    - 1) The authorization is made in writing by a person described in i, ii, iii, or iv above;
    - 2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and,
    - 3) The written authorization is submitted to the Division.
- 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."

## 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 - Domestic Compliance Program  
Water Quality Control Division  
Telephone: (303) 692-3500

- b. Written notification shall be to:

Water Quality Protection Section - Domestic 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 notify 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.

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

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

#### 3. Special Notifications - Definitions

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

#### 4. **Noncompliance Notification**

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

#### 5. **Other Notification Requirements**

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule in the permit shall be submitted no later than fourteen (14) calendar days following each scheduled date, unless otherwise provided by the Division.

The permittee shall notify the Division, in writing, thirty (30) calendar days in advance of a proposed transfer of permit as provided in Part II.B.3.

The permittee's notification of all anticipated noncompliance does not stay any permit condition.

All existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Division as soon as they know or have reason to believe:

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

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

## **6. Bypass Notification**

If the permittee knows in advance of the need for a bypass, a notice shall be submitted, at least ten (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. Upsets**

### **a. Effect of an Upset**

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

### **b. Conditions Necessary for a Demonstration of Upset**

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

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

In addition to the demonstration required above, a permittee who wishes to establish the affirmative defense of upset for a violation of effluent limitations based upon water quality standards shall also demonstrate through monitoring, modeling or other methods that the relevant standards were achieved in the receiving water.

### **c. Burden of Proof**

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

## **8. Discharge Point**

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

**9. Proper Operation and Maintenance**

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

**10. Minimization of Adverse Impact**

The permittee shall take all reasonable steps to minimize or prevent any discharge of sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. As necessary, accelerated or additional monitoring to determine the nature and impact of the noncomplying discharge is required.

**11. Removed Substances**

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

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

**12. Submission of Incorrect or Incomplete Information**

Where the permittee failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or report to the Division, the permittee shall promptly submit the relevant information which was not submitted or any additional information needed to correct any erroneous information previously submitted.

**13. Bypass**

- a. Bypasses are prohibited and the Division may take enforcement action against the permittee for bypass, unless:
  - i) The bypass is unavoidable to prevent loss of life, personal injury, or severe property damage;
  - ii) There were no feasible alternatives to bypass such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - iii) Proper notices were submitted in compliance with Part II.A.4.
- b. "Severe property damage" as used in this Subsection means substantial physical damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- c. The permittee may allow a bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance or to assure optimal operation. These bypasses are not subject to the provisions of paragraph (a) above.
- d. The Division may approve an anticipated bypass, after considering adverse effects, if the Division determines that the bypass will meet the conditions specified in paragraph (a) above.

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

The permittee has the duty to halt or reduce any activity if necessary to maintain compliance with the effluent limitations of

the permit. Upon reduction, loss, or failure of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control production, control sources of wastewater, or all discharges, until the facility is restored or an alternative method of treatment is provided. This provision also applies to power failures, unless an alternative power source sufficient to operate the wastewater control facilities is provided.

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

## **B. RESPONSIBILITIES**

### **1. Inspections and Right to Entry**

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

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

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

### **2. Duty to Provide Information**

The permittee shall furnish to the Division, within a reasonable time, any information which the Division may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Division, upon request, copies of records required to be kept by this permit.

### **3. Transfer of Ownership or Control**

- a. Except as provided in paragraph b. of this section, a permit may be transferred by a permittee only if the permit has been modified or revoked and reissued as provided in Section 61.8(8) of the Colorado Discharge Permit System Regulations, to identify the new permittee and to incorporate such other requirements as may be necessary under the Federal Act.
- b. A permit may be automatically transferred to a new permittee if:
  - i) The current permittee notifies the Division in writing 30 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.

#### **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) The permittee has received a variance.
  - vi) When required to incorporate applicable toxic effluent limitation or standards adopted pursuant to § 307(a) of the Federal act.
  - vii) When required by the reopener conditions in the permit.
  - viii) As necessary under 40 C.F.R. 403.8(e), to include a compliance schedule for the development of a pretreatment program.
  - ix) When the level of discharge of any pollutant which is not limited in the permit exceeds the level which can be achieved by the technology-based treatment requirements appropriate to the permittee under Section 61.8(2) of the Colorado Discharge Permit System Regulations.
  - x) To establish a pollutant notification level required in Section 61.8(5) of the Colorado Discharge Permit System Regulations.
  - xi) To correct technical mistakes, such as errors in calculation, or mistaken interpretations of law made in determining permit conditions, to the extent allowed in Section 61.10 of the Colorado State Discharge Permit System Regulations.
  - xii) When required by a permit condition to incorporate a land application plan for beneficial reuse of sewage sludge, to revise an existing land application plan, or to add a land application plan.
  - xiii) For any other cause provided in Section 61.10 of the Colorado Discharge Permit System Regulations.
- c. At the request of a permittee, the Division may modify or terminate a permit and issue a new permit if the following conditions are met:
    - i) The Regional Administrator has been notified of the proposed modification or termination and does not object in writing within thirty (30) 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. 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.

- e. Upon consent by the permittee, the Division may make minor permit modifications without following the requirements of Sections 61.5(2), 61.5(3), 61.7, and 61.15 of the Colorado Discharge Permit System Regulations. Minor modifications to permits are limited to:
  - i) Correcting typographical errors; or
  - ii) Increasing the frequency of monitoring or reporting by the permittee; or
  - iii) Changing an interim date in a schedule of compliance, provided the new date of compliance is not more than 120 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.
- f. When a permit is modified, only the conditions subject to modification are reopened. If a permit is revoked and reissued, the entire permit is reopened and subject to revision and the permit is reissued for a new term.
- g. The filing of a request by the permittee for a permit modification, revocation and reissuance or termination does not stay any permit condition.
- h. All permit modifications and reissuances are subject to the antibacksliding provisions set forth in 61.10(e) through (g).

#### **6. Oil and Hazardous Substance Liability**

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

#### **7. State Laws**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority granted by Section 510 of the Clean Water Act. Nothing in this permit shall be construed to prevent or limit application of any emergency power of the division.

#### **8. Permit Violations**

Failure to comply with any terms and/or conditions of this permit shall be a violation of this permit. The discharge of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit. Except as provided in Part I.D and Part II.A or B, nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance (40 CFR 122.41(a)(1)).

#### **9. Property Rights**

The issuance of this permit does not convey any property or water rights in either real or personal property, or stream flows, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

#### **10. Severability**

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

**11. Renewal Application**

If the permittee desires to continue to discharge, a permit renewal application shall be submitted at least one hundred eighty (180) calendar days before this permit expires. If the permittee anticipates there will be no discharge after the expiration date of this permit, the Division should be promptly notified so that it can terminate the permit in accordance with Part II.B.5.

**12. Confidentiality**

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

**13. Fees**

The permittee is required to submit payment of an annual fee as set forth in the 2005 amendments to the Water Quality Control Act. Section 25-8-502 (1) (b), and the Colorado Discharge Permit System Regulations 5 CCR 1002-61, Section 61.15 as amended. Failure to submit the required fee when due and payable is a violation of the permit and will result in enforcement action pursuant to Section 25-8-601 et. seq., C.R.S. 1973 as amended.

**14. Duration of Permit**

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

**15. Section 307 Toxics**

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

**16. Effect of Permit Issuance**

- a. The issuance of a permit does not convey any property rights or any exclusive privilege.
- b. The issuance of a permit does not authorize any injury to person or property or any invasion of personal rights, nor does it authorize the infringement of federal, state, or local laws or regulations.
- c. Except for any toxic effluent standard or prohibition imposed under Section 307 of the Federal act or any standard for sewage sludge use or disposal under Section 405(d) of the Federal act, compliance with a permit during its term constitutes compliance, for purposes of enforcement, with Sections 301, 302, 306, 318, 403, and 405(a) and (b) of the Federal act. However, a permit may be modified, revoked and reissued, or terminated during its term for cause as set forth in Section 61.8(8) of the Colorado Discharge Permit System Regulations.
- d. Compliance with a permit condition which implements a particular standard for sewage sludge use or disposal shall be an affirmative defense in any enforcement action brought for a violation of that standard for sewage sludge use or disposal.



**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  
(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