



# STATE OF COLORADO

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT  
Water Quality Control Division

AUTHORIZATION TO DISCHARGE UNDER THE  
COLORADO DISCHARGE PERMIT SYSTEM  
PERMIT NUMBER CO0039624

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 Montrose**

is authorized to discharge from the City of Montrose WWTF wastewater treatment plant located in the W 1/2 of the NE 1/4 of S18, T49N, R9W; 3315 N Townsend Ave, Montrose CO 81401; 38.51059° latitude North and 107.92166° longitude West.

to the Uncompahgre River

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, April 30, 2024.

Issued and signed this 29th day of March, 2019.

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Nicole Rowan, Program Manager  
Water Quality Control Division

Issued 3/29/2019 Effective 5/1/2019

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PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. Permitted Feature(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 following disinfection and prior to mixing with the receiving stream. 38.510° N, 107.921° W

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

UST1A is an in-stream permitted feature located upstream from the facility discharge to collect continuous ambient temperature data at 38.51028° North latitude, 107.92000° West longitude.

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 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 effluent monitoring requirements specified in this permit, 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.

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.

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. In case of malfunction, a single flow measurement device will be used for recording and reporting of both influent and effluent flows since effluent flows will not be significantly different from influent flows. Reported flows will be used to monitor compliance with the effluent flow limitation.

Metals: Metals concentrations 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). Sampling must be conducted in accordance with Part I.B.7.

Permitted Feature/Limit Set 001A

<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)	4.32		Report		Continuous	Recorder
00010	Temp Daily Max (°C) March-Nov			Report		Daily	Recorder
00010	Temp Daily Max (°C) Dec-Feb			Report		Daily	Recorder
00010	Temp MWAT (°C) March-Nov		Report			Daily	Recorder
00010	Temp MWAT (°C) Dec-Feb		Report			Daily	Recorder
00400	pH (su)			6.5-9.0		5 Days/Week	Grab
51040	<i>E. coli</i> (#/100 ml)	640	1280			2 Days/Month	Grab
50060	TRC (mg/l)	0.059		0.041		2 Days/ Week	Grab
00640	Total Inorganic Nitrogen as N (mg/l) until March 31, 2024			34		3 Days/Week	Composite
00640	Total Inorganic Nitrogen as N (mg/l) beginning April 1, 2024			21		3 Days/Week	Composite
00610	Total Ammonia as N (mg/l)						
	January	6.2		12		2 Days/Month	Composite
	February	6.0		12		2 Days/Month	Composite
	March	6.0		13		2 Days/Month	Composite
	April	5.8		13		2 Days/Month	Composite
	May	7.4		20		2 Days/Month	Composite
	June	12		37		2 Days/Month	Composite
	July	10		33		2 Days/Month	Composite
	August	7.2		26		2 Days/Month	Composite
	September	7.3		26		2 Days/Month	Composite
	October	5.8		18		2 Days/Month	Composite
	November	5.9		15		2 Days/Month	Composite
	December	6.0		12		2 Days/Month	Composite
00310	BOD5, effluent (mg/l)	30	45			2 Days/Month	Composite
81010	BOD5 (% removal)	85 (min)				Monthly	Calculated

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00530	TSS, effluent (mg/l)	30	45			2 Days/Month	Composite
81011	TSS (% removal)	85 (min)				Monthly	Calculated
84066	Oil and Grease (visual)			Report		Daily	Visual
03582	Oil and Grease (mg/l)			10		Contingent	Grab
70295	TDS (mg/l)*						
70295 3	PWS intake (mg/l)	Report		Report		Monthly	Composite
70295	WWTF effluent (mg/l)	Report		Report		Monthly	Composite
00978	As, TR (µg/l) until December 31, 2025	Report				2 Days/Month	Composite
00978	As, TR (µg/l) beginning January 1, 2026	0.11				2 Days/Month	Composite
01309	As, PD (µg/l)			Report		Quarterly	Composite
01113	Cd, TR (µg/l)			Report	Report	Quarterly	Composite
01313	Cd, PD (µg/l)	Report		Report		Quarterly	Composite
04262	Cr+3, TR (µg/l)			Report	Report	Quarterly	Grab
01314	Cr+3, PD (µg/l)	Report			Report	Quarterly	Grab
01220	Cr+6, Dis (µg/l)	Report		Report	Report	Quarterly	Grab
01306	Cu, PD (µg/l) until March 31, 2023	60		98		Monthly	Composite
01306	Cu, PD (µg/l) beginning April 1, 2023	30		98		Monthly	Composite
00718	CN, WAD (µg/l) until March 31, 2023			Report	Report	2 Days/Month	Grab
00718	CN, WAD (µg/l) from April 1, 2023 until March 31, 2025			Report	Report	2 Days/Month	Grab
00718	CN, WAD (µg/l) beginning April 1, 2025			Report	1.6	2 Days/Month	Grab
01046	Fe, Dis (µg/l)	Report				2 Days/Month	Composite
00980	Fe, TR (µg/l)	Report				2 Days/Month	Composite
01114	Pb, TR (µg/l)			Report	Report	Quarterly	Composite
01318	Pb, PD (µg/l)	Report		Report		Quarterly	Composite
01319	Mn, PD (µg/l)	Report		Report	Report	2 Days/Month	Composite
01056	Mn, Dis (µg/l)	Report				Quarterly	Composite
01129	Mo, TR (µg/l)	Report			Report	Quarterly	Composite
50286	Hg, Tot (µg/l)	Report				Quarterly	Composite
01074	Ni, TR (µg/l)	Report			Report	Quarterly	Composite
01322	Ni, PD (µg/l)	Report		Report		Quarterly	Composite
01323	Se, PD (µg/l)	Report		Report		Quarterly	Composite
01323	Se, PD (lbs/d)	0.29				Quarterly	Calculated
01304	Ag, PD (µg/l)	Report		Report		Quarterly	Composite
01303	Zn, PD (µg/l)	Report		Report		Quarterly	Composite

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00940	Chloride (mg/l)	Report				2 Days/Month	Composite
81020	Sulfate (mg/l)	Report				2 Days/Month	Composite
51202	Sulfide as H2S (mg/l)	Report				2 Days/Month	Composite
51568	Nonylphenol (µg/l) until March 31, 2023	Report		Report	Report	2 Days/Month	Grab
51568	Nonylphenol (µg/l) from April 1, 2023 until March 31, 2025	Report		Report	Report	2 Days/Month	Grab
51568	Nonylphenol (µg/l) beginning April 1, 2025	Report		Report	5.3	2 Days/Month	Grab
	WET, chronic						
TKP6C	Static Renewal 7 Day Chronic <i>Pimephales promelas</i>			NOEC or IC25 ≥ IWC		Quarterly	3 Composites / Test
TKP3B	Static Renewal 7 Day Chronic <i>Ceriodaphnia dubia</i>			NOEC or IC25 ≥ IWC		Quarterly	3 Composites / Test

\* TDS measurements only required when the discharge is in the Colorado River Basin. Samples are to be of the raw water supply. If more than one source is being utilized, a composite sample proportioned to flow shall be prepared from individual grab samples.

**Permitted Feature 001 Limit Set P**

ICIS Code	Effluent Parameter	Effluent Limitations Maximum Concentrations, Daily Max	Frequency	Sample Type
01002	Total Arsenic, µg/l	Report	Annually	Composite
01027	Total Cadmium, µg/l	Report	Annually	Composite
01034	Total Chromium, µg/l	Report	Annually	Composite
01042	Total Copper, µg/l	Report	Annually	Composite
01051	Total Lead, µg/l	Report	Annually	Composite
71900	Total Mercury, µg/l	Report	Annually	Composite
01062	Total Molybdenum, µg/l	Report	Annually	Composite
01067	Total Nickel, µg/l	Report	Annually	Composite
01147	Total Selenium, µg/l	Report	Annually	Composite
01077	Total Silver, µg/l	Report	Annually	Composite
01092	Total Zinc, µg/l	Report	Annually	Composite
00720	Total Cyanide, µg/l	Report	Annually	Grab
03604	Total Phenols, µg/l	Report	Annually	Composite

**Permitted Feature UST1A, Permitted Feature Type: receiving water (ambient)**

ICIS Code	Effluent Parameter	Effluent Limitations Maximum Concentrations		Monitoring Requirements	
		MWAT	Daily Maximum	Frequency	Sample Type
00010	Temp DM (°C) March-Nov, starting October 1, 2019		Report	Continuous	Recorder
00010	Temp DM (°C) December- Feb, starting October 1, 2019		Report	Continuous	Recorder
00010	Temp MWAT (°C) March-Nov, starting October 1, 2019	Report		Continuous	Recorder
00010	Temp MWAT (°C) December- Feb, starting October 1, 2019	Report		Continuous	Recorder

**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 below shall be taken at the following location(s): **Outfall 300I, at a representative point prior to biological treatment..**

Permitted Feature 300I

ICIS Code	Parameter	Discharge Limitations Maximum Concentrations			Monitoring Frequency	Sample Type
		30-Day Average	7-Day Average	Daily Max.		
50050 G	Flow, mgd	Report		Report	Continuous	Recorder
00180 G	Plant Capacity (% of Capacity - Hydraulic) <sup>1</sup>	Report			Monthly	Calculated <sup>1</sup>
00310 G	BOD <sub>5</sub> , mg/l	Report	Report		2 Days/Month	Composite
00310 G	BOD <sub>5</sub> , lbs/day	Report	Report		2 Days/Month	Calculated
00180 G	Plant Capacity (% of Capacity - Organic) <sup>1</sup>	Report			Monthly	Calculated <sup>1</sup>
00530G	Total Suspended Solids, mg/l	Report	Report		2 Days/Month	Composite

<sup>1</sup> The % capacity is to be reported against the listed capacities of 4.32 MGD for the hydraulic capacity and 10246 lbs BOD<sub>5</sub>/day for the organic capacities as noted in Site Approval 4946. The percentage should be calculated using the 30-day average values divided by the corresponding capacity, times 100.

Permitted Feature 300 Limit Set P

<u>ICIS Code</u>	<u>Parameter</u>	<u>Discharge Limitations Maximum Concentrations, Daily Max</u>	<u>Frequency</u>	<u>Sample Type</u>
01002G	Total Arsenic, µg/l	Report	Annually	Composite
01027G	Total Cadmium, µg/l	Report	Annually	Composite
01034G	Total Chromium, µg/l	Report	Annually	Composite
01042G	Total Copper, µg/l	Report	Annually	Composite
01051G	Total Lead, µg/l	Report	Annually	Composite
71900G	Total Mercury, µg/l	Report	Annually	Composite
01062G	Total Molybdenum, µg/l	Report	Annually	Composite
01067G	Total Nickel, µg/l	Report	Annually	Composite
01147G	Total Selenium, µg/l	Report	Annually	Composite
01077G	Total Silver, µg/l	Report	Annually	Composite
01092G	Total Zinc, µg/l	Report	Annually	Composite
00720G	Total Cyanide, µg/l	Report	Annually	Grab
03604G	Total Phenols, µg/l	Report	Annually	Composite

**4. Salinity Parameters**

In order to obtain an indication of the increase in salinity due to the treatment and use of water within this service area, the permittee shall monitor the raw water source and the wastewater effluent at the above required frequencies, the results to be reported on the Discharge Monitoring Report (See Part I, Section D.1.):

Self-monitoring samples taken in compliance with the monitoring requirements specified above shall be taken prior to treatment of the raw drinking water source (with a composite sample proportioned to flow prepared from individual grab samples if more than one source is being utilized), and at the established wastewater treatment facility effluent sampling point identified above in Part I, Section A.1.

**5. Special Studies and Additional Monitoring**

a. Temperature Monitoring Equipment- The facility is required to install continuous temperature monitoring equipment by to comply with the temperature monitoring 'continuous' requirements listed Part I.A.2.

Code	Event	Description	Due Date
04301	Install Temperature Meters	The permittee is to submit a document certifying that continuous temperature monitoring equipment has been installed and is operational.	April 30, 2020

b. Salinity Study - As summarized in this fact sheet, the total salinity loading from this facility exceeds that allowable in Section 61.8(2)(I) of the Colorado Discharge Permit System Regulations (Regulation No. 61). The regulations specify that in such cases, the permittee must submit a report addressing salinity. Because there is no record that the permittee has previously submitted this report, a compliance schedule is included for the performance of the study. However, if a report has previously been submitted, the permittee should submit a copy of this report in lieu of the performance of another study.

Code	Event	Description	Due Date
43699	Facility Evaluation Plan	Submit a report that identifies sources of salinity to the wastewater treatment facility and identifies potential plans for minimizing the salt contribution from the municipal discharge so that the salinity study results can be compiled.	March 1, 2020
00508	Salinity Study	Submit salinity study results.	March 1, 2021

**B. TERMS AND CONDITIONS**

**1. Service Area**

All wastewater flows contributed in the service area may be accepted by the City of Montrose 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 4946, the design capacity of this domestic wastewater treatment works is 4.32 million gallons per day (MGD) for hydraulic flow (30-day average) and 10246 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 effective performance, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems when installed by the permittee only when necessary to achieve compliance with the conditions of the permit.

Any sludge produced at the wastewater treatment facility shall be disposed of in accordance with State and Federal regulations. The permittee shall take all reasonable steps to minimize or prevent any discharge of sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. As necessary, accelerated or additional monitoring to determine the nature and impact of the noncomplying discharge is required.

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

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), 4%, 8%, 16%, 58%, 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.2. 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 IC25, for the same sub-lethal endpoint are at any effluent concentration less than the IWC. This determination is made independently for each test species. The IWC for this permit has been determined to be 16% effluent.

A chronic WET test is considered to have failed one of the two statistical endpoints when either the NOEC or the IC25 are at any effluent concentration less than the IWC. Simultaneous failure of both the NOEC and IC25 for both sub-lethal endpoints, when tests are performed on identical split samples, constitutes only a single violation of the Daily Maximum Effluent Limitation for Chronic WET specified in Part I, §A-2 of this permit. The IWC for this permit has been determined to be 16% effluent.

In the event of a permit violation, or during a report only period when both the NOEC and the IC25 are at any effluent concentration less than the IWC, 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 IC25 endpoints are less than the applicable IWC)
- during a report only period when both the NOEC and the IC25 are at any effluent concentration less than the IWC
- two consecutive monitoring periods have resulted in failure of one of the two statistical endpoints (either the IC25 or the NOEC) , including during a report-only period. This determination is made independently for each test species.
- 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 below.

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 IC25 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)

a. Activities to Meet Total Inorganic Nitrogen Final Limits - In order to meet total inorganic nitrogen final limits, the following schedule for construction (if deemed necessary by the permittee) are 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	March 31, 2020
CS011	Plan, Report, or Scope of Work	Submit a report on progress in obtaining funding for design and construction aspects	March 31, 2021

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.	March 31, 2022
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, 2023
CS010	Status/Progress Report	Submit a construction progress report summarizing the progress in construction or other activities.	September 30, 2023
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.	March 31, 2024

b. Activities to Meet Total Arsenic Final Limits - In order to meet total arsenic limitations, the following schedule are included in the permit.

Code	Event	Description	Due Date
43699	Facility Evaluation Plan	Submit a report that identifies sources of arsenic 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.	December 31, 2022
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.	December 31, 2023
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.	December 31, 2024
CS017	Achieve Final Compliance with Emissions or Discharge Limits	Submit study results that show compliance has been attained with the final limitations.	December 31, 2025

c. Activities to Meet Potentially Dissolved Copper, Free Cyanide, and Nonylphenol Final Limits - In order to meet potentially dissolved copper, free cyanide, and nonylphenol limitations, the following schedule are included in the permit.

Code	Event	Description	Due Date
43699	Facility Evaluation Plan	Submit a report that identifies sources of copper, cyanide, and nonylphenol to the wastewater treatment facility.	March 31, 2020

43699	Facility Evaluation Plan	Submit a report that identifies strategies to control these sources or treatment alternatives such that compliance with the final limitations may be attained.	September 30, 2020
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.	March 31, 2021
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.	March 31, 2022
CS017	Achieve Final Compliance with Emissions or Discharge Limits	Submit study results that show compliance has been attained with the final limitations.	March 31, 2023

Regulation 61.8(3)(n)(i) states that a report shall be submitted to the Division no later than 14 calendar days following each date identified in the schedule of compliance. The 14 days have already been incorporated into the above dates and therefore all reports are due on or before the date listed in the table.

**7. Pretreatment Program - Industrial Pretreatment Program - Contributing Industries and Pretreatment Requirements**

- 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 63 (5 CCR 1002-63) and the approved pretreatment program submitted by the Permittee. The pretreatment program was approved on **September 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, unless it notifies the User of the violation and requires the User to perform the repeat analysis;
  - 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;

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- 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,
- 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) and a local limits package if a technical evaluation reveals that development or revision of local limits is necessary, by **March 1, 2020**. 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.
- 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 2<sup>nd</sup> and 4<sup>th</sup> years and the toxic pollutants in Table III at least 2/yr. 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 2/yr 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 7.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 2/yr on both the influent and the effluent.



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- 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 beneficial reuse, 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 beneficially reuse 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.
  - 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. Comply with the public participation requirements of 40 CFR part 25 in the enforcement of National Pretreatment Standards. These procedures shall include provision for at least annual public notification in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW of Industrial Users which, at any time during the previous 12 months, were in significant noncompliance with applicable Pretreatment requirements. For the purposes of this provision, a Significant Industrial User (or any Industrial User which violates paragraphs (f)(2)(viii)(C), (D), or (H) of this section) is in significant noncompliance if its violation meets one or more of the following criteria listed in 40 CFR Part 403.8(f)(2)(viii)(A-H).

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.
  - 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. 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.
  - x. 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 significant 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, cause or contribute to interference 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) 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.
1. 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 Requirements" means any substantive or procedural requirement related to pretreatment other than a National Pretreatment Standard, imposed on an Industrial User.
  - vi. "National Pretreatment Standard," "Pretreatment Standard," or "Standard" means any regulation containing pollutant discharge limits promulgated by the Environmental Protection Agency in accordance with section 307 (b) and (c) of the Clean Water Act, including prohibitive discharge limits established pursuant to 40 CFR 403.5 and which applies to Industrial Users.
  - vii. "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.
  - viii. "Significant Industrial User" or "SIU" means 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.
- ix. "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. "Applicable water quality criterion (AWQC)" is the quantitation target level or goal. The AWQC may be one of the following:

Where an effluent limit has been established,

- i. The AWQC is the effluent limit.

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

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

4. "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.
5. "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).
6. "Continuous" measurement, is a measurement obtained from an automatic recording device which continually measures the effluent for the parameter in question, or that provides measurements at specified intervals.
7. "Daily Maximum limitation" for all parameters (except temperature, pH, dissolved oxygen, and WET) means the limitation for this parameter shall be applied as an average of all samples collected in one calendar day. For these parameters the DMR shall include the highest of the daily averages. For pH and dissolved oxygen, this means an instantaneous maximum (and/or instantaneous minimum) value. For WET, this means an instantaneous minimum value. The instantaneous value is defined as the analytical result of any individual sample. For pH and dissolved oxygen, DMRs shall include the maximum (and/or minimum) of all instantaneous values within the calendar month. For WET, DMRs shall include the minimum of all instantaneous values within the reporting period. For pH and dissolved oxygen, the value beyond the noted daily maximum limitation for the indicated parameter shall be considered a violation of this permit. For temperature, see Daily Maximum Temperature. For WET violation and failure descriptions, see Part I.B.5.
8. "Daily Maximum Temperature (DM)" is defined in the Basic Standards and Methodologies for Surface Water 1002-31, as the highest two-hour average water temperature recorded during a given 24-hour period. This will be determined using a rolling 2-hour maximum temperature. If data is collected every 15 minutes, a 2 hour maximum can be determined on every data point after the initial 2 hours of collection. Note that the time

periods that overlap days (Wednesday night to Thursday morning) do not matter as the reported value on the DMR is the greatest of all the 2-hour averages.

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.

9. "Dissolved (D) metals fraction" is defined in the Basic Standards and Methodologies for Surface Water 1002-31, as that portion of a water and suspended sediment sample which passed through a 0.40 or 0.45 UM (micron) membrane filter. Determinations of "dissolved" constituents are made using the filtrate. This may include some very small (colloidal) suspended particles which passed through the membrane filter as well as the amount of substance present in true chemical solution.
10. "Geometric mean" for *E. coli* bacteria concentrations, the thirty (30) day and seven (7) day averages shall be determined as the geometric mean of all samples collected in a thirty (30) day period and the geometric mean of all samples taken in a seven (7) consecutive day period respectively. The geometric mean may be calculated using two different methods. For the methods shown, a, b, c, d, etc. are individual sample results, and n is the total number of samples.

Method 1:

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

Method 2:

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

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

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

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

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

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

11. "Grab" sample, is a single "dip and take" sample so as to be representative of the parameter being monitored.
12. "IC25" or "Inhibition Concentration" is a point estimate of the toxicant concentration that would cause a given percent reduction in a non-lethal biological measurement (e.g. growth or reproduction) calculated from a

continuous model (i.e. interpolation method). IC25 is a point estimate of the toxic concentration that would cause a 25-percent reduction in a non-lethal biological measurement.

13. "In-situ" measurement is defined as a single reading, observation or measurement taken in the field at the point of discharge.
14. "Instantaneous" measurement is a single reading, observation, or measurement performed on site using existing monitoring facilities.
15. "LC50" or "Lethal Concentration" is the toxic or effluent concentration that would cause death in 50 percent of the test organisms over a specified period of time.
16. "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

17. "Minimum level (ML)" means the lowest concentration of an analyte that can be accurately and precisely quantified using a given method, as determined by the laboratory.
18. "NOEC" or "No-Observed-Effect-Concentration" is the highest concentration of toxicant to which organisms are exposed in a full life cycle or partial life cycle (short term) test, that causes no observable adverse effects on the test organisms (i.e. the highest concentration of toxicant in which the values for the observed responses are not statistically different from the controls). This value is used, along with other factors, to determine toxicity limits in permits.
19. "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.
20. "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.

21. "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.
22. "Recorder" requires the continuous operation of an automatic data retention device for providing required records such as a data logger, a chart and/or totalizer (or drinking water rotor meters or pump hour meters where previously approved.)
23. SAR and Adjusted SAR - The equation for calculation of SAR-adj is:

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

Where:

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

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

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

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

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

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

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

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

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

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

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

Table - Modified Calcium Determination for Adjusted Sodium Adsorption Ratio

		HCO3/Ca Ratio And EC 1, 2, 3											
		Salinity of Effluent (EC)(dS/m)											
		0.1	0.2	0.3	0.5	0.7	1.0	1.5	2.0	3.0	4.0	6.0	8.0
Ratio of HCO3/Ca	.05	13.20	13.61	13.92	14.40	14.79	15.26	15.91	16.43	17.28	17.97	19.07	19.94
	.10	8.31	8.57	8.77	9.07	9.31	9.62	10.02	10.35	10.89	11.32	12.01	12.56
	.15	6.34	6.54	6.69	6.92	7.11	7.34	7.65	7.90	8.31	8.64	9.17	9.58
	.20	5.24	5.40	5.52	5.71	5.87	6.06	6.31	6.52	6.86	7.13	7.57	7.91
	.25	4.51	4.65	4.76	4.92	5.06	5.22	5.44	5.62	5.91	6.15	6.52	6.82
	.30	4.00	4.12	4.21	4.36	4.48	4.62	4.82	4.98	5.24	5.44	5.77	6.04
	.35	3.61	3.72	3.80	3.94	4.04	4.17	4.35	4.49	4.72	4.91	5.21	5.45
	.40	3.30	3.40	3.48	3.60	3.70	3.82	3.98	4.11	4.32	4.49	4.77	4.98
	.45	3.05	3.14	3.22	3.33	3.42	3.53	3.68	3.80	4.00	4.15	4.41	4.61
	.50	2.84	2.93	3.00	3.10	3.19	3.29	3.43	3.54	3.72	3.87	4.11	4.30

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

1 Adapted from Suarez (1981).

2 Assumes a soil source of calcium from lime (CaCO<sub>3</sub>) or silicates; no precipitation of magnesium, and partial pressure of CO<sub>2</sub> near the soil surface (PCO<sub>2</sub>) is 0.0007 atmospheres.

3 Cax, HCO<sub>3</sub><sup>-</sup>, Ca are reported in meq/l; EC is in dS/m (deciSiemens per meter).

Because values will not always be quantified at the exact EC or HCO<sub>3</sub><sup>-</sup>/Ca<sup>++</sup> ratio in the table, the resulting Cax must be determined based on the closest value to the calculated value. For example, for a calculated EC of 2.45 dS/m, the column for the EC of 2.0 would be used. However, for a calculated EC of 5.1, the corresponding column for the EC of 6.0 would be used. Similarly, for a HCO<sub>3</sub><sup>-</sup>/Ca<sup>++</sup> ratio of 25.1, the row for the 30 ratio would be used.

The Division acknowledges that some effluents may have electrical conductivity levels that fall outside of this table, and others have bicarbonate to calcium ratios that fall outside this table. For example, some data reflect HCO<sub>3</sub><sup>-</sup>/Ca<sup>++</sup> ratios greater than 30 due to bicarbonate concentrations reported greater than 1000 mg/l versus calcium concentrations generally less than 10 mg/l (i.e., corresponding to HCO<sub>3</sub><sup>-</sup>/Ca<sup>++</sup> ratios greater than 100). Despite these high values exceeding the chart's boundaries, it is noted that the higher the HCO<sub>3</sub><sup>-</sup>/Ca<sup>++</sup> ratio, the greater the SAR-adj. Thus, using the Cax values corresponding to the final row containing bicarbonate/calcium ratios of 30, the permittee will actually calculate an SAR-adj that is less than the value calculated if additional rows reflecting HCO<sub>3</sub><sup>-</sup>/Ca<sup>++</sup> ratios of greater than 100 were added.

24. "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).

25. "Sufficiently sensitive test procedures":

- i. An analytical method is "sufficiently sensitive" when the method detects and accurately and precisely quantifies the amount of the analyte. In other words there is a valid positive result; or
- ii. An analytical method is "sufficiently sensitive" when the method accurately and precisely quantifies the result to the AWQC, as demonstrated by the ML is less than or equal to the AWQC. In other words, the level of precision is adequate to inform decision making; or



- iii. An analytical method is "sufficiently sensitive" when the method achieves the required level of accuracy and precision, as demonstrated by the ML is less than or equal to the PQL. In other words, the most sensitive method is being used and properly followed.
26. "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).
27. Toxicity Identification Evaluation (TIE) is a set of site-specific procedures used to identify the specific chemical(s) causing effluent toxicity.
28. "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).
29. "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.
30. "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.
31. 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.
32. "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.
33. "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.
34. "Two (2) -Year Rolling Average" (Antidegradation limits)- the average of all monthly average data collected in a two year period. Reporting of two-year rolling average results should begin in the first DMR due once the reporting requirements has been in place for a two year period. To calculate a two-year rolling average, add the current monthly average to the previous 23 monthly averages and divide the total by 24. This methodology continues on a rolling basis as long as the two year rolling average reporting and/or effluent limit applies (i.e., in the first reporting period use data from month 1 to month 24, in the second reporting period use data from month 2 to month 25, then month 3 to month 26, etc). Ongoing reporting is required across permit terms when data is available for a two year period.

35. "Visual" observation is observing the discharge to check for the presence of a visible sheen or floating oil.
36. "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. PERMIT SPECIFIC 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 via the division's NetDMR service unless a waiver is granted in compliance with 40 CFR 127. If a waiver is granted, monitoring results shall be reported on division approved discharge monitoring report (DMR) forms (EPA form 3320-1).

##### *Reporting No Discharge:*

If no discharge occurs during the reporting period, a DMR must still be submitted. However, "No Discharge" shall be reported on the paper DMR and if reporting electronically please use the No Data Code (NODI) "C" for No Discharge in NetDMR.

When submitting monitoring results via NetDMR, the Copy of Record shall reflect that the DMR was signed and submitted no later than the 28th day of the month following the reporting period. If submitting DMRs by mail, which is only allowed if a waiver has been granted, one copy of the DMR form shall be mailed to the division at the address provided below, so that the DMR is received no later than the 28th day of the month following the reporting period.

If mailing, the original signed copy of each 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 paper and electronic forms shall be filled out accurately and completely in accordance with the requirements of this permit and the instructions on the forms; and signed by an authorized person as identified in Part II.K.1.

##### **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 electronically or to the following address if any one of below conditions applies to this facility:

1. design flow rate is equal to or greater than one million gallons per day,
2. serves 10,000 people or more, or
3. is required to have an approved pretreatment program.

EPA BIOSOLIDS CENTER  
EPA REGION 7  
WWPD/WENF  
11201 RENNER BOULEVARD  
LENEXA, KANSAS 66219

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.

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

- a. The permittee must select a test procedure that is "sufficiently sensitive" for all monitoring conducted in accordance with this permit.
- b. The PQLs for specific parameters are listed in the table below.

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- c. If the permit contains an interim effluent limitation (a limit is report until such time as a numeric effluent limit becomes effective) for a parameter, the final numeric effluent limit shall be considered the AWQC for the purpose of determining whether a test method is sufficiently sensitive.
- d. When the analytical method which complies with the above requirements has an ML greater than the permit limit, and the permittee's analytical result is less than the ML, the permittee shall report "BDL" on the DMR. Such reports will not be considered as violations of the permit limit, as long as the method is sufficiently sensitive. For parameters that have a report only limitation, and the permittee's analytical result is less than the ML, (where X = the ML) "< X" shall be reported on the DMR.
- e. In the calculation of average concentrations (i.e. 7- day, 30-day average, 2-year rolling average) any individual analytical result that is less than the ML shall be considered to be zero for the calculation purposes. When reporting:

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

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

Table Practical quantitation limits - Metals, inorganics, nutrients, radiological parameters, and nonylphenol

Parameter	Reporting Units	PQL	Parameter	Reporting Units	PQL
Aluminum	µg/L <sup>1</sup>	15	Ammonia Nitrogen	mg/L <sup>2</sup> N	0.2
Antimony	µg/L	2	Nitrate+Nitrite Nitrogen	mg/L N	0.1
Arsenic	µg/L	1	Nitrate Nitrogen	mg/L N	0.1
Barium	µg/L	1	Nitrite Nitrogen	mg/L N	0.05
Beryllium	µg/L	2	Total Kjeldahl Nitrogen	mg/L N	0.5
Boron	µg/L	20	Total Nitrogen	mg/L N	0.5
Cadmium	µg/L	0.5	Total Inorganic Nitrogen	mg/L N	0.2
Calcium	µg/L	120	Phosphorus	mg/L P	0.05 <sup>3</sup>
Chromium	µg/L	20	BOD/CBOD	mg/L	2
Chromium, Trivalent	µg/L	---	Chloride	mg/L	2
Chromium, Hexavalent	µg/L	20 <sup>3, 4</sup>	Total Residual Chlorine, DPD	mg/L	0.5
Copper	µg/L	2	Total Residual Chlorine, Amperimetric	mg/L	0.05
Iron	µg/L	20 <sup>3</sup>	Cyanide	µg/L	10 <sup>3</sup>
Lead	µg/L	0.5	Fluoride	mg/L	0.5
Magnesium	µg/L	35	Phenols	µg/L	30
Manganese	µg/L	2	Sulfate	mg/L	2
Mercury	µg/L	0.2 <sup>3</sup>	Sulfide	mg/L H <sub>2</sub> S	0.1
Mercury, Low Level	µg/L	0.002	Total Dissolved Solids (TDS)	mg/L	10
Molybdenum	µg/L	0.5	Total Suspended Solids (TSS)	mg/L	5

Parameter	Reporting Units	PQL	Parameter	Reporting Units	PQL
Nickel	µg/L	1	Radium-226	pCi/L	1
Selenium	µg/ L	1 <sup>3</sup>	Radium-228	pCi/L	1
Silver	µg/ L	0.5	Uranium	µg/ L	1
Sodium	µg/ L	150	Nonylphenol, ASTM D7065	µg/ L	10
Thallium	µg/ L	0.5			
Zinc	µg/ L	10			

<sup>1</sup> µg/L = micrograms per liter

<sup>2</sup> mg/L = milligrams per liter

<sup>3</sup> PQL established based on parameter specific evaluation

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

## 6. Flow Measuring Devices

Unless exempted in Part I.A 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 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 being measured.

## PART II

Part II contains standard conditions required by federal regulation to be included in all NPDES permits (see 40 C.F.R. 122.41). Part I contains permit specific requirements. To the extent that Part I conflicts with the standard terms and conditions of Part II, the requirements of Part I shall control.

### A. DUTY TO COMPLY

1. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Colorado Water Quality Control Act and is grounds for: 1) enforcement action; 2) permit termination, revocation and reissuance, or modification; or 3) denial of a permit renewal application.
2. Federal Enforcement:
  - a. The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal (see 40 CFR 122.2) established under section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.
  - b. The Clean Water Act provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed \$25,000 per day for each violation. The Clean Water Act provides that any person who *negligently* violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both. Any person who *knowingly* violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both. Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.
  - c. Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Administrative penalties for Class I violations are not to exceed \$10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$25,000. Penalties for Class II violations are not to exceed \$10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$125,000.

### B. DUTY TO REAPPLY

If the permittee plans to continue an activity regulated by this permit after the expiration date of this permit, the permittee must submit a permit application at least 180 days before this permit expires as required by Regulations 61.4 and 61.10.

### C. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

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

#### D. DUTY TO MITIGATE

The permittee must take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

#### E. PROPER OPERATION AND MAINTENANCE

The permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee 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 backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of this permit. See 40 C.F.R. §122.41(e).

#### F. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. Any request for modification, revocation, reissuance, or termination under this permit must comply with all terms and conditions of Regulation 61.8(8). See also 40 C.F.R. § 122.41(f).

#### G. PROPERTY RIGHTS

In accordance with 40 CFR §122.41(g) and Regulation 61.8(9):

1. The issuance of a permit does not convey any property or water rights in either real or personal property, or stream flows or any exclusive privilege.
2. 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.
3. Except for any toxic effluent standard or prohibition imposed under Section 307 of the Clean Water 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 Clean Water 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. See 61.8(9)(c).

#### H. 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 in accordance with 40 C.F.R. §122.41(h) and/or Regulation 61.8(3)(q).

#### I. INSPECTION AND ENTRY

The permittee shall allow the Division and the authorized representative, including U.S. EPA, and/or their authorized representatives (including an authorized contractor acting as their representative), upon the presentation of credentials as required by law, to conduct inspections in accordance with 40 C.F.R. §122.41(i), Regulation 61.8(3), and Regulation 61.8(4):

1. To enter upon the permittee's premises where a regulated facility or activity is located or conducted in which any records are required to be kept under the terms and conditions of this permit;
2. 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 facilities, equipment (including monitoring and control equipment), practices, operations or monitoring method regulated or required in the permit;
3. To enter upon the permittee's premises in a reasonable manner and at a reasonable time to inspect or investigate, any actual, suspected, or potential source of water pollution, or to ascertain compliance or noncompliance with the Colorado Water Quality Control Act or any other applicable state or federal statute or regulation or any order promulgated by the Division, and;
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

#### J. MONITORING AND RECORDS

1. Samples and measurements taken for the purpose of monitoring must be representative of the volume and nature of the monitored activity. See 40 C.F.R. § 122.41(j)(1).
2. Monitoring must be conducted according to test procedures approved under 40 C.F.R. part 136 for the analyses of pollutants unless another method is required under 40 C.F.R. subchapters N or O. In the case of pollutants for which there are no approved methods under 40 C.F.R. part 136 or otherwise required under 40 C.F.R. subchapters N or O, monitoring must be conducted according to a test procedure specified in this permit for such pollutants. See 40 C.F.R. § 122.41(j)(4); 122.44(i)(1)(iv)(A).
3. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR part 503), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the permittee or when requested by the Division or Regional Administrator.
4. Records of monitoring information must include:
  - a. The date, exact place, and time of sampling or measurements;
  - b. The individual(s) who performed the sampling or measurements;
  - c. The date(s) analyses were performed
  - d. The individual(s) who performed the analyses;
  - e. The analytical techniques or methods used; and
  - f. The results of such analyses.
5. The permittee shall install, calibrate, use and maintain monitoring methods and equipment, including biological and indicated pollutant monitoring methods. See Regulation 61.8(4)(b)(iii). All sampling shall be performed by the permittee according to sufficiently sensitive test procedures required by 40 C.F.R. 122.44(i)(1)(iv) or methods approved by the Division, in the absence of a method specified in or approved pursuant to 40 C.F.R. Part 136.
6. The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.



## K. SIGNATORY REQUIREMENTS

1. Authorization to Sign: All documents required to be submitted to the Division by the permit must be signed in accordance with 40 CFR §122.22, Regulation 61.4, and the following criteria:
  - a. For a corporation: By a responsible corporate officer. For the purpose of this subsection, a responsible corporate officer means: (i) a president, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - b. For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or
  - c. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this subsection, a principal executive officer of a federal agency includes (i) the chief or principal executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency. (e.g., Regional Administrator of EPA). For purposes of this section, a principal executive officer has responsibility for the overall operation of the facility from which the discharge originates.
  - d. By a duly authorized representative in accordance with 40 C.F.R. 122.22(b), only if:
    - i. the authorization is made in writing by a person described in Part II.K.1.a, b, or c above;
    - ii. 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,
    - iii. The written authorization is submitted to the Division.
2. Any person(s) signing documents required for submittal to the Division must make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”
3. The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both. See 40 C.F.R. §122.41(k)(2).

## L. REPORTING REQUIREMENTS

1. Planned Changes: The permittee shall give advance notice to the Division, in writing, of any planned physical alterations or additions to the permitted facility in accordance with 40 CFR §122.41(l) and Regulation 61.8(5)(a) and Part II.O. of this permit. Notice is required only when:
  - a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR §122.29(b); or

- b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR §122.41(a)(1).
  - c. 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 during the permit application process or not reported pursuant to an approved land application plan. See 40 C.F.R. §122.41(l)(1)(iii).
2. Anticipated Non-Compliance: The permittee shall give advance notice to the Division, in writing, of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements. The timing of notification requirements differs based on the type of non-compliance as described below.
  3. Transfer of Ownership or Control: The permittee shall notify the Division, in writing, thirty (30) calendar days in advance of a proposed transfer of the permit. This permit is not transferable to any person except after notice to the Division. The Division may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act. See Regulation 61.8(6); 40 C.F.R. §§ 122.41(l)(iii) and 122.61.
  4. Monitoring reports: Monitoring results must be reported at the intervals specified in this permit.
    - a. If the permittee monitors any pollutant at the approved monitoring locations listed in Part I more frequently than that required by this permit using test procedures approved under 40 CFR Part 136, or another method required for an industry-specific waste stream under 40 CFR subchapters N or O, the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Division. See 40 CFR 122.41(l)(4).
    - b. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Division in the permit.
  5. Submission of Discharge Monitoring Reports (DMRs): DMRs shall be submitted electronically through NetDMR system unless the permittee requests and is granted a waiver of the electronic reporting requirement by the Division pursuant to Regulation 61.8(4)(d).
  6. Compliance Schedules: 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 on the date listed in the compliance schedule section. The fourteen (14) calendar day provision in Regulation 61.8(4)(n)(i) has been incorporated into the due date.
  7. Twenty-four hour reporting:
    - a. In addition to the reports required elsewhere in this permit, 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 within five (5) working days after becoming aware of the following circumstances:
      - i. Circumstances leading to any noncompliance which may endanger health or the environment regardless of the cause of the incident;
      - ii. Circumstances leading to any unanticipated bypass which exceeds any effluent limitations in the permit;
      - iii. Circumstances leading to any upset which causes an exceedance of any effluent limitation in the permit; or
      - iv. Daily maximum violations for any of the pollutants limited by Part I.A of this permit as specified in Part III of this permit. This includes any toxic pollutant or hazardous substance or any pollutant specifically identified as the method to control any toxic pollutant or hazardous substance.
    - b. The report shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

- c. For noncompliance events related to combined sewer overflows, sanitary sewer overflows, or bypass events, these reports must include the data described above (with the exception of time of discovery) as well as the type of event (combined sewer overflows, sanitary sewer overflows, or bypass events), type of sewer overflow structure (e.g., manhole, combine sewer overflow outfall), discharge volumes untreated by the treatment works treating domestic sewage, types of human health and environmental impacts of the sewer overflow event, and whether the noncompliance was related to wet weather. See 40 CFR 122.41(l)(6)(i).
  - i. As of December 21, 2020 all reports related to combined sewer overflows, sanitary sewer overflows, or bypass events submitted in compliance with this section must be submitted electronically by the permittee to the Director or initial recipient, as defined in 40 CFR 127.2(b), in compliance with 40 CFR part 3 (including, in all cases, subpart D to part 3), § 122.22, and 40 CFR part 127. See 40 CFR 122.41(l)(6)(i).
8. Other non-compliance: A permittee must report all instances of noncompliance at the time monitoring reports are due. These reports may be submitted annually in accordance with Regulation 61.8(4)(p) and/or 61.8(5)(f), but may be submitted at a more frequent interval.

#### M. BYPASS

1. Definitions:
  - a. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility in accordance with 40 CFR §122.41(m)(1)(i) and/or Regulation 61.2(12).
  - b. Severe property damage means substantial physical damage to property, 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. See 40 CFR §122.41(m)(1)(ii).
2. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of 40 CFR 122.41(m)(3) and (m)(4). See 40 CFR §122.41(m)(2).
3. Notice of bypass:
  - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, the permittee shall submit prior notice, if possible, at least ten (10) days before the date of the bypass. See 40 CFR §122.41(m)(3)(i) and/or Regulation 61.9(5)(c).
  - b. Unanticipated bypass. You must submit notice of an unanticipated bypass as required in Part II.L.7. See also 40 CFR §122.41(m)(3)(ii).
4. Prohibition of Bypass: Bypasses are prohibited and the Division may take enforcement action against the permittee for bypass, unless:
  - a. the bypass is unavoidable to prevent loss of life, personal injury, or severe property damage;
  - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup 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
  - c. Proper notices were submitted to the Division.
    - i. The Division may approve an anticipated bypass, after considering its adverse effects, if the Division determines that it will meet the three conditions listed.

#### N. UPSET

1. Definition: "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based 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.

See 40 CFR §122.41(n) and Regulation 61.2(114),

2. Effect of an upset: An upset constitutes an affirmative defense to an action brought for noncompliance with permit effluent limitations if the requirements of section 3 are met. A determination made during administrative review of claims that noncompliance was caused by upset is final administrative action subject to judicial review in accordance with Regulation 61.8(3)(j).

*\*\*special note:\*\* this provision is consistent with the definition of "Upset" as codified in Regulation 61.2(114). However, the Colorado regulatory definition of upset is less stringent than the federal code of regulations, which restricts the use of an upset defense to noncompliance with technology-based permit effluent limitations only. Colorado's regulatory definition of bypass is less stringent than the requirements of the federal Clean Water Act.*

3. Conditions necessary for demonstration of an 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:
  - a. an upset occurred and the permittee can identify the cause(s) of the upset;
  - b. the permitted facility was at the time being properly maintained; and
  - c. the permittee submitted notice of the upset as required in Part II.L.7 (24-hour notice); and
  - d. 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. See also 40 C.F.R. 122.41(n)(3)(i)-(iv).

*\*\*special note:\*\* this provision is consistent with the definition of "Conditions necessary for demonstration of upset" as codified in Regulation 61.8(3)(j)(ii). However, the Colorado regulatory definition of upset is less stringent than the federal code of regulations, which restricts the use of an upset defense to demonstrate that a facility was properly operated and maintained. Colorado's regulatory definition of "Conditions necessary for demonstration of upset" is less stringent than the requirements of the federal Clean Water Act.*

4. 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.
5. Burden of Proof: In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

#### O. REOPENER CLAUSE

Procedures for modification or revocation. Permit modification or revocation of this permit or coverage under this permit will be conducted according to Regulation 61.8(8). This permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limitations (and compliance schedule, if necessary), or other appropriate requirements if one of the following events occurs, including but not limited to:

1. Water Quality Standards: The water quality standards of the receiving water(s) to which the permittee discharges are modified in such a manner as to require different effluent limits than contained in this permit.
2. Wasteload Allocation: A wasteload allocation is developed and approved by the State of Colorado and/or EPA for incorporation in this permit.
3. Discharger-specific variance: A variance is adopted by the Water Quality Control Commission.

#### P. OTHER INFORMATION

When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Division or U.S. EPA, the Discharger shall promptly submit such facts or information. See 40 C.F.R. § 122.41(I)(8).

#### Q. SEVERABILITY

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

#### R. NOTIFICATION REQUIREMENTS

1. Notification to Parties: All notification requirements shall be directed as follows:

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

CDPHE-Emergency Reporting Line: 1-877-518-5608; or

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

After hours notifications should be made to the CDPHE-Emergency Reporting Line: 1-877-518-5608.

b. Written notification shall be to:

Water Quality Protection Section - 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

#### S. RESPONSIBILITIES

**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. 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.

#### T. OIL AND HAZARDOUS SUBSTANCES 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.

#### U. EMERGENCY POWERS

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.

#### V. 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, Colorado Open Records Act (CORA) request, or otherwise, shall not be publicly disclosed by any member, officer, or employee of the Water Quality Control Commission or the Division, but shall be kept confidential. Any person seeking to invoke the protection of this section shall bear the burden of proving its applicability. This section shall never be interpreted as preventing full disclosure of effluent data.

#### W. FEES

The permittee is required to submit payment of an annual fee as set forth in the 2016 amendments to the Water Quality Control Act. Section 25-8-502 (1.1) (b), and the Regulation 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.

#### X. DURATION OF PERMIT

The duration of a permit shall be for a fixed term and shall not exceed five (5) years. If the permittee desires to continue to discharge, a permit renewal application shall be submitted at least one hundred eighty (180) calendar days before this permit expires. Filing of a timely and complete application shall cause the expired permit to continue in force to the effective date of the new permit. The permit's duration may be extended only through administrative extensions and not through interim modifications. If the permittee anticipates there will be no discharge after the expiration date of this permit, the Division should be promptly notified so that it can terminate the permit in accordance with Regulation 61.

#### Y. 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 Clean Water 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.

PART III

Table I—Testing Requirements for Organic Toxic Pollutants by Industrial Category for Existing Dischargers

	<u>Industry Category</u>
Adhesives and sealants	Ore mining
Aluminum forming	Organic chemicals manufacturing
Auto and other laundries	Paint and ink formulation
Battery manufacturing	Pesticides
Coal mining	Petroleum refining
Coil coating	Pharmaceutical preparations
Copper forming	Photographic equipment and supplies
Electrical and electronic components	Plastics processing
Electroplating	Plastic and synthetic materials manufacturing
Explosives manufacturing	Porcelain enameling
Foundries	Printing and publishing
Gum and wood chemicals	Pulp and paper mills
Inorganic chemicals manufacturing	Rubber processing
Iron and steel manufacturing	Soap and detergent manufacturing
Leather tanning and finishing	Steam electric power plants
Mechanical products manufacturing	Textile mills
Nonferrous metals manufacturing	Timber products processing

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Table II—Organic Toxic Pollutants in Each of Four Fractions in Analysis by Gas Chromatography/Mass

Volatiles	Acid Compounds	Base/Neutral	Pesticides
1V acrolein	1A 2-chlorophenol	1B acenaphthene	1P aldrin
2V acrylonitrile	2A 2,4-dichlorophenol	2B acenaphthylene	2P alpha-BHC
3V benzene	3A 2,4-dimethylphenol	3B anthracene	3P beta-BHC
5V bromoform	4A 4,6-dinitro-o-cresol	4B benzidine	4P gamma-BHC
6V carbon tetrachloride	5A 2,4-dinitrophenol	5B benzo(a)anthracene	5P delta-BHC
7V chlorobenzene	6A 2-nitrophenol	6B benzo(a)pyrene	6P chlordane
8V chlorodibromomethane	7A 4-nitrophenol	7B 3,4-benzofluoranthene	7P 4,4'-DDT
9V chloroethane	8A p-chloro-m-cresol	8B benzo(ghi)perylene	8P 4,4'-DDE
10V 2-chloroethylvinyl ether	9A pentachlorophenol	9B benzo(k)fluoranthene	9P 4,4'-DDD
11V chloroform	10A phenol	10B bis(2-chloroethoxy)methane	10P dieldrin
12V dichlorobromomethane	11A 2,4,6-trichlorophenol	11B bis(2-chloroethyl)ether	11P alpha-endosulfan
14V 1,1-dichloroethane		12B bis(2-chloroisopropyl)ether	12P beta-endosulfan
15V 1,2-dichloroethane		13B bis(2-ethylhexyl)phthalate	13P endosulfan sulfate
16V 1,1-dichloroethylene		14B 4-bromophenyl phenyl ether	14P endrin
17V 1,2-dichloropropane		15B butylbenzyl phthalate	15P endrin aldehyde
18V 1,3-dichloropropylene		16B 2-chloronaphthalene	16P heptachlor
19V ethylbenzene		17B 4-chlorophenyl phenyl ether	17P heptachlor epoxide
20V methyl bromide		18B chrysene	18P PCB-1242
21V methyl chloride		19B dibenzo(a,h)anthracene	19P PCB-1254
22V methylene chloride		20B 1,2-dichlorobenzene	20P PCB-1221
23V 1,1,2,2-tetrachloroethane		21B 1,3-dichlorobenzene	21P PCB-1232
24V tetrachloroethylene		22B 1,4-dichlorobenzene	22P PCB-1248
25V toluene		23B 3,3'-dichlorobenzidine	23P PCB-1260
26V 1,2-trans-dichloroethylene		24B diethyl phthalate	24P PCB-1016
27V 1,1,1-trichloroethane		25B dimethyl phthalate	25P toxaphene
28V 1,1,2-trichloroethane		26B di-n-butyl phthalate	
29V trichloroethylene		27B 2,4-dinitrotoluene	
31V vinyl chloride		28B 2,6-dinitrotoluene	
		29B di-n-octyl phthalate	
		30B 1,2-diphenylhydrazine (as azobenzene)	
		31B fluoranthene	
		32B fluorene	
		33B hexachlorobenzene	
		34B hexachlorobutadiene	
		35B hexachlorocyclopentadiene	
		36B hexachloroethane	
		37B indeno(1,2,3-cd)pyrene	
		38B isophorone	
		39B naphthalene	
		40B nitrobenzene	
		41B N-nitrosodimethylamine	
		42B N-nitrosodi-n-propylamine	
		43B N-nitrosodiphenylamine	
		44B phenanthrene	
		45B pyrene	
		46B 1,2,4-trichlorobenzene	



**Table III—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

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**Table IV—Conventional and Nonconventional Pollutants Required To Be Tested by Existing Dischargers if Expected to be Present**

Bromide  
Chlorine, Total Residual  
Color  
Fecal Coliform  
Fluoride  
Nitrate-Nitrite  
Nitrogen, Total Organic  
Oil and Grease  
Phosphorus, Total  
Radioactivity  
Sulfate  
Sulfide  
Sulfite  
Surfactants  
Aluminum, Total  
Barium, Total  
Boron, Total  
Cobalt, Total  
Iron, Total  
Magnesium, Total  
Molybdenum, Total  
Manganese, Total  
Tin, Total  
Titanium, Total

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**Table V—Toxic Pollutants and Hazardous Substances Required To Be Identified by Existing Dischargers if Expected To Be Present**

**Toxic Pollutants**

Asbestos

**Hazardous Substances**

Acetaldehyde	Isopropanolamine Dodecylbenzenesulfonate
Allyl alcohol	Kelthane
Allyl chloride	Kepone
Amyl acetate	Malathion
Aniline	Mercaptodimethur
Benzonitrile	Methoxychlor
Benzyl chloride	Methyl mercaptan
Butyl acetate	Methyl methacrylate
Butylamine	Methyl parathion
Captan	Mevinphos
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
Dintrobenzene	2,4,5-T (2,4,5-Trichlorophenoxy acetic acid)
Diquat	TDE (Tetrachlorodiphenylethane)
Disulfoton	2,4,5-TP [2-(2,4,5-Trichlorophenoxy) propanoic acid]
Diuron	Trichlorofan
Epichlorohydrin	Triethanolamine dodecylbenzenesulfonate
Ethion	Triethylamine
Ethylene diamine	Trimethylamine
Ethylene dibromide	Uranium
Formaldehyde	Vanadium
Furfural	Vinyl acetate
Guthion	Xylene
Isoprene	Xylenol
	Zirconium