



COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT  
Water Quality Control Division

**CDPS GENERAL PERMIT COG590000  
DOMESTIC WASTEWATER TREATMENT PLANTS  
THAT DISCHARGE TO RECEIVING WATERS WITH  
A CHRONIC LOW FLOW: DESIGN FLOW RATIO OF 100:1 OR GREATER  
AND  
NOT DISCHARGING TO WATERS THAT ARE DESIGNATED  
AS THREATENED AND ENDANGERED HABITAT**

**AUTHORIZATION TO DISCHARGE UNDER THE  
COLORADO DISCHARGE PERMIT SYSTEM (CDPS)**

In compliance with the provisions of the Colorado Water Quality Control Act (25-8-101 et. seq. CRS, 1973 as amended), and the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.; the "Act"), domestic wastewater treatment plants, with a design hydraulic capacity of less than one million gallons per day, are authorized to discharge from approved locations throughout the State of Colorado to waters of the state with a 30E3 low flow: domestic wastewater treatment plant design flow ratio of 100:1 or greater and are not discharging to waters designated as threatened and endangered species habitat. Such discharges shall be in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts I, II, and III hereof. All discharges authorized herein shall be consistent with the terms and conditions of this permit.

This permit specifically authorizes the entity identified in the certification of this permit to discharge from their domestic wastewater treatment plants, at the location described in the certification of this permit, to waters of the state as identified in the certification of this permit.

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

This permit and the authorization to discharge shall expire at midnight, March 31, 2026.

Issued and Signed this 26th day of February, 2021

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

*Meg Parish*

Meg Parish, Permits Section Manager  
Water Quality Control Division

ISSUED February 26, 2021 EFFECTIVE April 1, 2021

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## PART I

### A. COVERAGE UNDER THIS PERMIT

#### 1. Eligibility

In order to be eligible for authorization to discharge under the terms and conditions of this permit, the owner of any domestic wastewater treatment plant that can meet the conditions identified at Part I.A.3., below, must submit a complete permit application form obtained from the Water Quality Control Division (Division). Such application shall be submitted to the address listed on the application, at least 180 days prior to the anticipated date of first discharge.

Authorization to discharge shall be site specific and not transferable to alternative locations. Authorization to discharge will occur when the permittee receives a letter of certification for discharge under this permit, and is allowed to discharge on the effective date noted on the certification. Authorization to discharge will expire on the expiration date of this general permit, which will also be noted on the certification. A permittee desiring continued coverage under this general permit must reapply 180 days in advance of the expiration date.

Upon receipt of a new or a renewal application, the Division will determine if the applicant continues to be eligible to continue to operate under the terms of the general permit. If the Division determines that the operation does not fall under the authority of the general permit or is determined to be better suited for an individual permit, then the application received will be treated as an individual permit application, and the applicant will be notified about the decision to require an individual permit by a letter from the Division. For a renewal permit, any such applicant will continue to be covered under this general permit until such time as their application to discharge under another applicable general permit or individual permit is issued or denied by the Division.

#### 2. Application Requirements

The application referenced in Part I.A.1., above, will require the following information:

- a. The name, address, and location information of the municipality/company and its domestic wastewater treatment plant along with an accompanying USGS map, or a map of similar quality and sufficient detail to show the location of all unit processes on the property, and location of effluent discharge point and receiving water;
- b. The name, address, and phone number of the owner and of the certified operator in responsible charge;
- c. The name of water(s) receiving the discharge(s) and a listing of any downstream waters into which the receiving stream flows within five miles of the point of discharge;
- d. The latitude and longitude of the proposed discharge outfall or outfalls;
- e. A United States Geological Survey (USGS) map, or a map of similar quality, which shows the service area for the domestic wastewater treatment plant;
- f. A list of non-residential users (commercial users, including hauled septage from Individual Sewage Disposal Systems (ISDSs), and industrial users) whose waste is treated by the facility;
- g. Site Approval number, date of the most recent update, and the hydraulic and organic capacities of the treatment plant as well as any off-site lift stations;
- h. A description of the method(s) and chemicals used for treatment and/or disposal of grit, screenings, and sludge (biosolids);

- i. A summary of recent flow, loading, and influent and effluent quality data along with a description of the operation and management procedures to be used at the domestic wastewater treatment plant;
- j. A description of the analytical methods and equipment to be used to measure flows and to analyze pollutants of concern in the discharge; and,

### **3. Certification Requirements**

The applicant must certify, or the Division must find, that the following conditions exist at the domestic wastewater treatment plant or the domestic wastewater treatment plant will not be certified to discharge under the authority of the general permit:

- a. The treatment plant is a domestic wastewater treatment plant as defined in Regulation No. 22 (5 CCR 1002-22): Site Location And Design Approval Regulations for Domestic Wastewater Treatment Works;
- b. The domestic wastewater treatment plant is not required to develop an industrial pretreatment program pursuant to either Section 307 of the federal Clean Water Act or Section 63.9 of Regulation No. 63 (5 CCR 1002-63): Pretreatment Regulations;
- c. The domestic wastewater treatment plant does not accept any hazardous waste as defined at Part 261 of the Solid and Hazardous Waste Commission's Regulations (6 CCR 1007-3) for treatment and discharge by truck, rail, or dedicated pipeline;
- d. Threatened and Endangered Species: The discharge does not go directly to a stream (including an area within the associated 100-year flood plain) that is designated as habitat for threatened or endangered fish by the U.S. Fish and Wildlife Service. Information on those designated waters is available on the Division's website;
- e. Design Capacity: The rated design capacity of the wastewater treatment works must be less than 1.0 Million Gallons per Day (MGD);
- f. The receiving stream must provide at least 100:1 dilution of the effluent discharge. The dilution ratio being based on the 30E3 low flow of the receiving water just above the discharge point, as compared to the permitted design capacity.

## **B. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

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

In order to obtain an indication of the probable compliance or non-compliance with the effluent limitations specified in Part I.B, the permittee shall monitor all effluent parameters at the frequencies and sample types, as identified in the certification of this permit. 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.E).

Self-monitoring sampling by the permittee for compliance with the effluent monitoring requirements specified in this permit, shall be performed at the location(s) designated in the certification authorizing discharge under this permit, following final treatment but prior to entering the receiving stream or potentially mixing with or influenced by other waters, unless otherwise specified in the certification. Any discharge to the waters of the State from a point source other than specifically authorized by this permit is prohibited.

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.

- a. Flow Recording Device - Treatment facilities are typically required to have both influent and effluent flow measuring and recording devices. Where influent flow metering is not practicable, the Division may approve on a case-by-case basis flow metering at the effluent end of the treatment facility or flow metering by some other means. For these facilities, influent and/or effluent flow measuring and sampling type will be specified in the certification. If only one device is applicable, then that device will be used to report both influent and effluent flow. Reported flows will be used to monitor compliance with the effluent flow limitation and hydraulic loading to the plant.
- b. 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> (or CBOD<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. Percent removal for TSS for lagoon facilities is waived in accordance with Regulation 62.5(3). Dischargers to the surface water through hydrologically connected groundwater that are neither mechanical nor lagoon facilities will be evaluated on a case-by-basis for technology-based effluent limitations.
- c. 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.
- d. Total Residual Chlorine: Monitoring for TRC is required only when chlorine is in use.
- e. 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 industrial waste management metals monitoring requirements listed in Part I.C.10, if the metals are in the same form (i.e. total). Sampling must be conducted in accordance with Part I.C.10.
- f. Additional Limitations: The certification may include limitations or monitoring requirements for any additional pollutant(s) based on site specific considerations including but not limited to: inclusion on the 303(d) or Monitoring and Evaluation List in Regulation No. 93; an approved TMDL with a waste load allocation; an approved Discharger Specific Variance (DSV); compliance with any Division compliance order on consent, cease and desist order, or an EPA administrative order, or similar decree promulgated by the Division, EPA or any other public entity. The limitations and monitoring requirements will vary depending on the parameter, and will be fully enforceable under this permit.
- g. Salinity Parameters: Regulation 61.8(2)(l) contains requirements regarding salinity for any discharges to the Colorado River Watershed. For discharges tributary to the Colorado River Basin, the permittee shall monitor the raw water source and the wastewater effluent at the frequencies identified in the appropriate table below. The results are to be reported on the Discharge Monitoring Report.

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 domestic wastewater treatment plant effluent sampling point identified in the certification and in Part I.B of this permit.

In accordance with the Water Quality Control Commission Regulations for Effluent Limitations and the Colorado Discharge Permit System Regulations, Section 61.8(2), the permitted discharge

shall not contain effluent parameter concentrations, which exceed the limitations for the facility types listed below in Parts I.B.2, I.B.3, I.B.4 or I.B.5.

## 2. Mechanical Plants with Design Flows Less Than or Equal to 0.25 MGD

The following effluent limitations may apply to mechanical domestic wastewater treatment plants, with a design capacity less than 0.25 million gallons per day, as identified in the certification for coverage under of this permit. **New facilities will also be subject to total inorganic nitrogen, total nitrogen, and total phosphorus requirements in Part I.B.6 of the permit.**

| ICIS Code | Parameter   | Limitation  |            |                                | Sampling                |                       |
|-----------|---|-------------|------------|--------------------------------|-------------------------|-----------------------|
|           |   | 30-day Avg. | 7-day Avg. | Daily Max                      | Frequency <sup>1</sup>  | Type <sup>2</sup>     |
| 50050     | Flow, MGD <sup>3</sup>  | TBD         |            | Report                         | Continuous <sup>4</sup> | Recorder <sup>4</sup> |
| 00310     | BOD <sub>5</sub> , mg/l <sup>5</sup>  | 30          | 45         |                                | Monthly                 | Composite             |
| 81010     | BOD <sub>5</sub> , percent removal <sup>5, 6</sup>                            | 85% (min)   |            |                                | Monthly                 | Calculated            |
| 00530     | Total Suspended Solids, mg/l  | 30          | 45         |                                | Monthly                 | Composite             |
| 81011     | TSS, percent removal <sup>6</sup>   | 85% (min)   |            |                                | Monthly                 | Calculated            |
| 50060     | Total Residual Chlorine, mg/l   |             |            | 0.5                            | Weekly                  | Grab                  |
| 00400     | pH, s.u.  |             |            | 6.5-9.0                        | Weekly                  | Grab                  |
| 84066     | Oil and Grease, mg/l  |             |            | Report                         | Weekly                  | Visual                |
| 03582     | Oil and Grease, mg/l  |             |            | 10                             | Contingent              | Grab                  |
| 51040     | <i>E. coli</i> , #/100 ml <sup>7,8</sup>                                      | 2,000       |            | 4,000                          | Monthly                 | Grab                  |
| 00610     | Total Ammonia, mg/l as N <sup>8</sup>   | 50          |            | 50                             | Monthly                 | Composite             |
| 00665     | Total Phosphorous, mg/l <sup>9</sup>  | TBD         |            | TBD                            | Monthly                 | Composite             |
| 00665     | Total Phosphorous, lbs/month <sup>9</sup>                                     | Report      |            | Report                         | Monthly                 | Calculated            |
| 00665     | Total Phosphorous, cumulative lbs/previous 12 consecutive months <sup>9</sup> | TBD         |            | NA                             | Monthly                 | Calculated            |
| 70295     | Total Dissolved Solids, mg/l <sup>10</sup>                                    | Report      |            | Report                         | Quarterly               | Composite             |
|           | WET, Acute <sup>11</sup>  |             |            |                                |                         |                       |
| TAN6C     | LC50 Statre 96Hr Acute <i>Pimephales promelas</i>                             |             |            | LC <sub>50</sub> ≥ 100         | TBD                     | Grab                  |
| TAM3B     | LC50 Statre 48Hr Acute <i>Ceriodaphnia dubia</i>                              |             |            | LC <sub>50</sub> ≥ 100         | TBD                     | Grab                  |
|           | WET, Chronic <sup>11</sup>  |             |            |                                |                         |                       |
| TKP6C     | Static Renewal 7 Day Chronic <i>Pimephales promelas</i>                       |             |            | NOEC or IC <sub>25</sub> ≥ IWC | TBD                     | 3 Composites /Test    |
| TKP3B     | Static Renewal 7 Day Chronic <i>Ceriodaphnia Dubia</i>                        |             |            | NOEC or IC <sub>25</sub> ≥ IWC | TBD                     | 3 Composites /Test    |
|           | Other Pollutants, units   | TBD         |            | TBD                            | TBD                     | TBD                   |

TBD means to be determined for each certification.

1 Monitoring frequency reductions may be granted, in accordance with the Baseline Monitoring Frequency, Sample Type, and Reduced Monitoring Frequency Policy for Industrial and Domestic Wastewater Treatment Facilities (WQP-20).

2 See the definition of “composite” in Part I.D of this permit. If the division determines that a flow-weighted composite

sample is impracticable for a facility, a time composite sample of four equal aliquots collected at two-hour intervals will be allowed. The monitoring frequency and sample type will be specified in the certification. See Section VI.A of the fact sheet for more information.

- 3 The 30-day average effluent limitation for flow is identified in the certification, is generally based on the design capacity of the facility as outlined in the most recent site approval, and is enforceable under this permit. Facilities with flow equalization basin and reclaimed water configurations may be addressed differently. See 61.8(2)(f).
- 4 The monitoring frequency and sample type for effluent flow is specified in the certification and is fully enforceable under this permit. Mechanical type treatment facilities are typically required to have both influent and effluent flow measuring and recording devices. This requirement may be waived in cases where the division determines that either influent or effluent flow measurements are impractical. For these facilities, flow measuring and sampling type will be specified in the certification. If only one device is applicable, then that device will be used to report both influent and effluent flow. However, where these devices are not in place at the time of certification, the permittee has one year from the end of the calendar month that certification was given to install the required equipment. Where such equipment is in place, the frequency and type of flow monitoring will be "Continuous" and "Recorder", respectively. Where such equipment is not in place, the frequency and type of flow monitoring, during the interim period, will be specified in the certification. For certain facilities, the use of a metered pumping rate or potable water use or may be allowed. In these cases, the monitoring frequency and sample type are determined and specified in the certification.
- 5 Limitations for 5-day Carbonaceous Biochemical Oxygen Demand (CBOD<sub>5</sub>) of 25 mg/l (30-day average) and 40 mg/l (maximum 7-day average) may be substituted for the limits for BOD<sub>5</sub> as identified in the certification. 85% removal of CBOD<sub>5</sub> would also be required.
- 6 For domestic sources, where the permittee has demonstrated that the treatment facility is unable to meet the 85 percent removal requirement for a parameter and the inability to meet the requirement is not caused by infiltration and inflow, a lower percent removal requirement or a mass loading limit may be substituted provided that the permittee can demonstrate that the numeric limitations for BOD<sub>5</sub>, CBOD<sub>5</sub>, and TSS can be met.
- 7 For *E. coli* the statistic used is the Geometric Mean, which is based on Method 1: Geometric Mean =  $(a*b*c*d*...)^{(1/n)}$ , or Method 2: Geometric Mean =  $\text{antilog}([\log(a)+\log(b)+\log(c)+\log(d)+...]/n)$ .
- 8 Where facilities discharge to receiving waters with a TMDL or listed on the 303(d) list of impaired waters, the effluent limitation are equal to the applicable water quality standard for the TMDL or listed parameter. See the Fact Sheet for more information.
- 9 Total Phosphorus limits are established and included in the certification, where applicable, and are based on the applicable regulation (Regulation Nos. 71-74).
- 10 TDS monitoring requirement applies to discharges 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.
- 11 Monitoring frequency for WET testing are implemented in accordance with the Division's Whole Effluent Toxicity (WET) Testing Policy. For chronic WET, "Composite" = 24 hour Composite. The in-stream waste concentration (IWC) for each facility is specified in the certification and determined using the following equation:  $\text{IWC} = [\text{Facility Flow (FF)} / (\text{Stream Chronic Low Flow (annual)} + \text{FF})] \times 100\%$

### **3. Mechanical Plants with Design Flows Greater Than 0.25 MGD and Less Than 1 MGD**

The following effluent limitations may apply to mechanical domestic wastewater treatment plants, with a design capacity greater than 0.25 million gallons per day, and less than 1 million gallons per day, as identified in the certification for coverage under of this permit. **New facilities will also be subject to total inorganic nitrogen, total nitrogen, and total phosphorus requirements in Part I.B.6 of the permit.**

| ICIS Code | Parameter   | Limitation  |            |           | Sampling                |                       |
|-----------|---|-------------|------------|-----------|-------------------------|-----------------------|
|           |   | 30-day Avg. | 7-day Avg. | Daily Max | Frequency <sup>1</sup>  | Type <sup>2</sup>     |
| 50050     | Flow, MGD <sup>3</sup>                            | TBD         |            | Report    | Continuous <sup>4</sup> | Recorder <sup>4</sup> |
| 00310     | BOD <sub>5</sub> , mg/l <sup>5</sup>              | 30          | 45         |           | Weekly                  | Composite             |
| 81010     | BOD <sub>5</sub> , percent removal <sup>5,6</sup> | 85% (min)   |            |           | Monthly                 | Calculated            |
| 00530     | Total Suspended Solids, mg/l                      | 30          | 45         |           | Weekly                  | Composite             |
| 81011     | TSS, percent removal <sup>6</sup>                 | 85% (min)   |            |           | Monthly                 | Calculated            |
| 50060     | Total Residual Chlorine, mg/l                     |             |            | 0.5       | 3 Days/Week             | Grab                  |
| 00400     | pH, s.u.  |             |            | 6.5-9.0   | Daily                   | Grab                  |
| 84066     | Oil and Grease, mg/l                              |             |            | Report    | Daily                   | Visual                |
| 03582     | Oil and Grease, mg/l                              |             |            | 10        | Contingent              | Grab                  |
| 51040     | <i>E. coli</i> , #/100 ml <sup>7,8</sup>          | 2,000       |            | 4,000     | Weekly                  | Grab                  |
| 00610     | Total Ammonia, mg/l as N <sup>8</sup>             | 50          |            | 50        | Weekly                  | Composite             |
| 00665     | Total Phosphorous, mg/l <sup>9</sup>              | TBD         |            | TBD       | Monthly                 | Composite             |
| 00665     | Total Phosphorous, lbs/month <sup>9</sup>         | Report      |            | Report    | Monthly                 | Calculated            |

|        |   |        |  |                                |           |                    |
|--------|---|--------|--|--------------------------------|-----------|--------------------|
| 00665  | Total Phosphorous, cumulative lbs/previous 12 consecutive months <sup>9</sup> | TBD    |  | NA                             | Monthly   | Calculated         |
| 70295  | Total Dissolved Solids, mg/l <sup>10</sup>                                    | Report |  | Report                         | Quarterly | Composite          |
|        | WET, Acute <sup>11</sup>  |        |  |                                |           |                    |
| TAN6 C | LC50 Statre 96Hr Acute <i>Pimephales promelas</i>                             |        |  | LC <sub>50</sub> ≥ 100         | TBD       | Grab               |
| TAM3 B | LC50 Statre 48Hr Acute <i>Ceriodaphnia dubia</i>                              |        |  | LC <sub>50</sub> ≥ 100         | TBD       | Grab               |
|        | WET, Chronic <sup>11</sup>  |        |  |                                |           |                    |
| TKP6C  | Static Renewal 7 Day Chronic <i>Pimephales promelas</i>                       |        |  | NOEC or IC <sub>25</sub> ≥ IWC | TBD       | 3 Composite s/Test |
| TKP3B  | Static Renewal 7 Day Chronic <i>Ceriodaphnia Dubia</i>                        |        |  | NOEC or IC <sub>25</sub> ≥ IWC | TBD       | 3 Composite s/Test |
|        | Other Pollutants, units   | TBD    |  | TBD                            | TBD       | TBD                |

TBD means to be determined for each certification.

- 1 Monitoring frequency reductions may be granted, in accordance with the Baseline Monitoring Frequency, Sample Type, and Reduced Monitoring Frequency Policy for Industrial and Domestic Wastewater Treatment Facilities (WQP-20).
- 2 See the definition of “composite” in Part I.D of this permit. If the division determines that a flow-weighted composite sample is impracticable for a facility, a time composite sample of four equal aliquots collected at two-hour intervals will be allowed. The monitoring frequency and sample type will be specified in the certification. See Section VI.A of the fact sheet for more information.
- 3 The 30-day average effluent limitation for flow is identified in the certification, is generally based on the design capacity of the facility as outlined in the most recent site approval, and is enforceable under this permit. Facilities with flow equalization basin and reclaimed water configurations may be addressed differently. See 61.8(2)(f).
- 4 The monitoring frequency and sample type for effluent flow is specified in the certification and is fully enforceable under this permit. Mechanical type treatment facilities are typically required to have both influent and effluent flow measuring and recording devices. This requirement may be waived in cases where the division determines that either influent or effluent flow measurements are impractical. For these facilities, flow measuring and sampling type will be specified in the certification. If only one device is applicable, then that device will be used to report both influent and effluent flow. However, where these devices are not in place at the time of certification, the permittee has one year from the end of the calendar month that certification was given to install the required equipment. Where such equipment is in place, the frequency and type of flow monitoring will be “Continuous” and “Recorder”, respectively. Where such equipment is not in place, the frequency and type of flow monitoring, during the interim period, will be specified in the certification. For



certain facilities, the use of a metered pumping rate or potable water use or may be allowed. In these cases, the monitoring frequency and sample type are determined and specified in the certification.

- 5 Limitations for 5-day Carbonaceous Biochemical Oxygen Demand (CBOD<sub>5</sub>) of 25 mg/l (30-day average) and 40 mg/l (maximum 7-day average) may be substituted for the limits for BOD<sub>5</sub> as identified in the certification. 85% removal of CBOD<sub>5</sub> would also be required.
- 6 For domestic sources, where the permittee has demonstrated that the treatment facility is unable to meet the 85 percent removal requirement for a parameter and the inability to meet the requirement is not caused by infiltration and inflow, a lower percent removal requirement or a mass loading limit may be substituted provided that the permittee can demonstrate that the numeric limitations for BOD<sub>5</sub>, CBOD<sub>5</sub>, and TSS can be met.
- 7 For *E. coli* the statistic used is the Geometric Mean, which is based on Method 1: Geometric Mean =  $(a*b*c*d*...)^{(1/n)}$ , or Method 2: Geometric Mean =  $\text{antilog}([\log(a)+\log(b)+\log(c)+\log(d)+...]/n)$ .
- 8 Where facilities discharge to receiving waters with a TMDL or listed on the 303(d) list of impaired waters, the effluent limitation are equal to the applicable water quality standard for the TMDL or listed parameter. See the Fact Sheet for more information.
- 9 Total Phosphorus limits are established and included in the certification, where applicable, and are based on the applicable regulation (Regulation Nos. 71-74).
- 10 TDS monitoring requirement applies to discharges 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.
- 11 Monitoring frequency for WET testing are implemented in accordance with the Division's Whole Effluent Toxicity (WET) Testing Policy. For chronic WET, "Composite" = 24 hour Composite. The in-stream waste concentration (IWC) for each facility is specified in the certification and determined using the following equation:  $\text{IWC} = [\text{Facility Flow (FF)} / (\text{Stream Chronic Low Flow (annual)} + \text{FF})] \times 100\%$ .

#### **4. Lagoon or other Non-Mechanical Facilities With Design Flows Less Than or Equal to 0.5 MGD**

The following effluent limitations will apply to lagoon domestic wastewater treatment plants or other non-mechanical wastewater treatment facilities with design flows up to 0.5 million gallons per day, as identified in the certification for coverage under this general permit. **New facilities will also be subject to total inorganic nitrogen, total nitrogen, and total phosphorus requirements in Part I.B.6 of the permit.**

| ICIS Code | Parameter   | Limitation  |            |                                | Sampling                |                       |
|-----------|---|-------------|------------|--------------------------------|-------------------------|-----------------------|
|           |   | 30-day Avg. | 7-day Avg. | Daily Max                      | Frequency <sup>1</sup>  | Type <sup>13</sup>    |
| 50050     | Flow, MGD <sup>2</sup>  | TBD         | NA         | Report                         | Continuous <sub>3</sub> | Recorder <sup>3</sup> |
| 00310     | BOD <sub>5</sub> , mg/l <sup>4,5,11</sup>                                     | 30          | 45         |                                | Monthly                 | Grab                  |
| 81010     | BOD <sub>5</sub> , percent removal <sup>4,5,11</sup>                          | 85% (min)   |            |                                | Monthly                 | Calculated            |
| 00530     | Total Suspended Solids, mg/l (Aerated lagoons) <sup>11</sup>                  | 75          | 110        |                                | Monthly                 | Grab                  |
| 00530     | Total Suspended Solids, mg/l (Non-aerated lagoons) <sup>11</sup>              | 105         | 160        |                                | Monthly                 | Grab                  |
| 50060     | Total Residual Chlorine, mg/l   |             |            | 0.5                            | Weekly                  | Grab                  |
| 00400     | pH, s.u.  |             |            | 6.5-9.0                        | Weekly                  | Grab                  |
| 84066     | Oil and Grease, mg/l  |             |            | Report                         | Weekly                  | Visual                |
| 03582     | Oil and Grease, mg/l  |             |            | 10                             | Contingent              | Grab                  |
| 51040     | <i>E. coli</i> , #/100 ml <sup>6,7,12</sup>                                   | 2,000       |            | 4,000                          | Monthly                 | Grab                  |
| 00610     | Total Ammonia, mg/l as N <sup>7,12</sup>                                      | 50          |            | 50                             | Monthly                 | Grab                  |
| 00665     | Total Phosphorous, mg/l <sup>8</sup>  | TBD         |            | TBD                            | Monthly                 | Grab                  |
| 00665     | Total Phosphorous, lbs/month <sup>8</sup>                                     | Report      |            | Report                         | Monthly                 | Calculated            |
| 00665     | Total Phosphorous, cumulative lbs/previous 12 consecutive months <sup>8</sup> | TBD         |            | NA                             | Monthly                 | Calculated            |
| 70295     | Total Dissolved Solids, mg/l <sup>9</sup>                                     | Report      |            | Report                         | Quarterly               | Grab                  |
|           | WET, Acute <sup>10</sup>  |             |            |                                |                         |                       |
| TAN6C     | LC50 Statre 96Hr Acute <i>Pimephales promelas</i>                             |             |            | LC <sub>50</sub> ≥ 100         | TBD                     | Grab                  |
| TAM3B     | LC50 Statre 48Hr Acute <i>Ceriodaphnia dubia</i>                              |             |            | LC <sub>50</sub> ≥ 100         | TBD                     | Grab                  |
|           | WET, Chronic <sup>10</sup>  |             |            |                                |                         |                       |
| TKP6C     | Static Renewal 7 Day Chronic <i>Pimephales promelas</i>                       |             |            | NOEC or IC <sub>25</sub> ≥ IWC | TBD                     | 3 Grabs/Test          |
| TKP3B     | Static Renewal 7 Day Chronic <i>Ceriodaphnia Dubia</i>                        |             |            | NOEC or IC <sub>25</sub> ≥ IWC | TBD                     | 3 Grabs/Test          |
|           | Other Pollutants, units   | TBD         |            | TBD                            | TBD                     | TBD                   |

TBD means to be determined for each certification.

- 1 Monitoring frequency reductions may be granted, in accordance with the Baseline Monitoring Frequency, Sample Type, and Reduced Monitoring Frequency Policy for Industrial and Domestic Wastewater Treatment Facilities (WQP-20).
- 2 The 30-day average effluent limitation for flow is identified in the certification, is generally based on the design capacity of the facility as outlined in the most recent site approval, and is enforceable under this permit. Facilities with flow equalization basin and reclaimed water configurations may be addressed differently. See 61.8(2)(f).
- 3 The monitoring frequency and sample type for effluent flow is specified in the certification and is fully enforceable under this permit. Lagoon type and OWTS treatment facilities are typically required to have both influent and effluent flow measuring and recording devices. This requirement may be waived in cases where the division determines that either influent or effluent flow measurements are impractical. For these facilities, flow measuring and sampling type will be specified in the certification. If only one device is applicable, then that device will be used to report both influent and effluent flow. However, where these devices are not in place at the time of certification, the permittee has one year from the end of the calendar month that certification was given to install the required equipment. Where such equipment is in place, the frequency and type of flow monitoring will be "Continuous" and "Recorder", respectively. Where such equipment is not in place, the frequency and type of flow monitoring, during the interim period, will be specified in the certification. For certain facilities, the use of a metered pumping rate or potable water use or may be allowed. In these cases, the monitoring frequency and sample type are determined and specified in the certification.

- 4 Limitations for 5-day Carbonaceous Biochemical Oxygen Demand (CBOD<sub>5</sub>) of 25 mg/l (30-day average) and 40 mg/l (maximum 7-day average) may be substituted for the limits for BOD<sub>5</sub> as identified in the certification. 85% removal of CBOD<sub>5</sub> would also be required.
- 5 For domestic sources, where the permittee has demonstrated that the treatment facility is unable to meet the 85 percent removal requirement for a parameter and the inability to meet the requirement is not caused by infiltration and inflow, a lower percent removal requirement or a mass loading limit may be substituted provided that the permittee can demonstrate that the numeric limitations for BOD<sub>5</sub>, CBOD<sub>5</sub>, and TSS can be met.
- 6 For *E. coli* the statistic used is the Geometric Mean, which is based on Method 1: Geometric Mean =  $(a*b*c*d*...)^{(1/n)}$ , or Method 2: Geometric Mean =  $\text{antilog}([\log(a)+\log(b)+\log(c)+\log(d)+...]/n)$ .
- 7 Where facilities discharge to receiving waters with a TMDL or listed on the 303(d) list of impaired waters, the effluent limitation are equal to the applicable water quality standard for the TMDL or listed parameter. See the Fact Sheet for more information.
- 8 Total Phosphorus limits are established and included in the certification, where applicable, and are based on the applicable regulation (Regulation Nos. 71-74).
- 9 TDS monitoring requirement applies to discharges 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.
- 10 Monitoring frequency for WET testing are implemented in accordance with the Division's Whole Effluent Toxicity (WET) Testing Policy. The in-stream waste concentration (IWC) for each facility is specified in the certification and determined using the following equation:  $IWC = [\text{Facility Flow (FF)} / (\text{Stream Chronic Low Flow (annual)} + \text{FF})] \times 100\%$
- 11 Existing dischargers to surface water through hydrologically connected groundwater will have case-by-case review of these technology based effluent limitations. For BOD<sub>5</sub>, a limitation based on 70% of the approved organic loading capacity from the permittee's site approval may apply instead. TSS limits may be report-only or removed (i.e., leachfield). No surfacing of effluent on a leach field is allowed. New or expanded facilities will not qualify for exemptions of these limitations.
- 12 For existing on-site wastewater treatment systems (OWTS) (e.g. septic tank/leach field) ammonia and *E. Coli* limits are calculated on a case-by-case basis. New or expanded facilities will not qualify for exemptions of these limitations.
- 13 Grab samples are implemented for lagoon systems in accordance with the Baseline Monitoring Frequency, Sample Type, and Reduced Monitoring Frequency Policy for Industrial and Domestic Wastewater Treatment Facilities (WQP-20). Sample type for non-lagoon systems will be determined on a case-by-case basis based on system configuration.

## 5. Lagoon Facilities With Design Flows Greater Than 0.5 MGD and Less Than 1.0 MGD

The following effluent limitations will apply to lagoon domestic wastewater treatment plants with design flows greater than 0.5 million gallons per day and less than 1 million gallons per day, as identified in the certification for coverage under this general permit. **New facilities will also be subject to total inorganic nitrogen, total nitrogen, and total phosphorus requirements in Part I.B.6 of the permit.**

| ICIS Code | Parameter   | Limitation  |            |           | Sampling                |                       |
|-----------|---|-------------|------------|-----------|-------------------------|-----------------------|
|           |   | 30-day Avg. | 7-day Avg. | Daily Max | Frequency <sup>1</sup>  | Type                  |
| 50050     | Flow, MGD <sup>2</sup>  | TBD         | NA         | Report    | Continuous <sup>3</sup> | Recorder <sup>3</sup> |
| 00310     | BOD <sub>5</sub> , mg/l <sup>4, 11</sup>                                      | 30          | 45         |           | Weekly                  | Grab                  |
| 81010     | BOD <sub>5</sub> , percent removal <sup>4, 5</sup>                            | 85% (min)   |            |           | Monthly                 | Calculated            |
| 00530     | Total Suspended Solids, mg/l (Aerated lagoons)                                | 75          | 110        |           | Weekly                  | Grab                  |
| 00530     | Total Suspended Solids, mg/l (Non-aerated lagoons)                            | 105         | 160        |           | Weekly                  | Grab                  |
| 50060     | Total Residual Chlorine, mg/l   |             |            | 0.5       | 5 Days /Week            | Grab                  |
| 00400     | pH, s.u.  |             |            | 6.5-9.0   | 5 Days /Week            | Grab                  |
| 84066     | Oil and Grease, mg/l  |             |            | Report    | 5 Days /Week            | Visual                |
| 03582     | Oil and Grease, mg/l  |             |            | 10        | Contingent              | Grab                  |
| 51040     | <i>E. coli</i> , #/100 ml <sup>6, 7</sup>                                     | 2,000       |            | 4,000     | Weekly                  | Grab                  |
| 00610     | Total Ammonia, mg/l as N <sup>7</sup>   | 50          |            | 50        | Weekly                  | Grab                  |
| 00665     | Total Phosphorous, mg/l <sup>8</sup>  | TBD         |            | TBD       | Monthly                 | Grab                  |
| 00665     | Total Phosphorous, lbs/month <sup>8</sup>                                     | Report      |            | Report    | Monthly                 | Calculated            |
| 00665     | Total Phosphorous, cumulative lbs/previous 12 consecutive months <sup>8</sup> | TBD         |            | NA        | Monthly                 | Calculated            |

|       |   |        |  |                                |           |               |
|-------|---|--------|--|--------------------------------|-----------|---------------|
| 70295 | Total Dissolved Solids, mg/l <sup>9</sup>               | Report |  | Report                         | Quarterly | Grab          |
|       | WET, Acute <sup>10</sup>                                |        |  |                                |           |               |
| TAN6C | LC50 Statre 96Hr Acute <i>Pimephales promelas</i>       |        |  | LC <sub>50</sub> ≥ 100         | TBD       | Grab          |
| TAM3B | LC50 Statre 48Hr Acute <i>Ceriodaphnia dubia</i>        |        |  | LC <sub>50</sub> ≥ 100         | TBD       | Grab          |
|       | WET, Chronic <sup>10</sup>                              |        |  |                                |           |               |
| TKP6C | Static Renewal 7 Day Chronic <i>Pimephales promelas</i> |        |  | NOEC or IC <sub>25</sub> ≥ IWC | TBD       | 3 Grabs/Tes t |
| TKP3B | Static Renewal 7 Day Chronic <i>Ceriodaphnia Dubia</i>  |        |  | NOEC or IC <sub>25</sub> ≥ IWC | TBD       | 3 Grabs/Tes t |
|       | Other Pollutants, units                                 | TBD    |  | TBD                            | TBD       | TBD           |

TBD means to be determined for each certification.

- 1 Monitoring frequency reductions may be granted, in accordance with the Baseline Monitoring Frequency, Sample Type, and Reduced Monitoring Frequency Policy for Industrial and Domestic Wastewater Treatment Facilities (WQP-20).
- 2 The 30-day average effluent limitation for flow is identified in the certification, is generally based on the design capacity of the facility as outlined in the most recent site approval, and is enforceable under this permit. Facilities with flow equalization basin and reclaimed water configurations may be addressed differently. See 61.8(2)(f).
- 3 The monitoring frequency and sample type for effluent flow is specified in the certification and is fully enforceable under this permit. Lagoon type are typically required to have both influent and effluent flow measuring and recording devices. This requirement may be waived in cases where the division determines that either influent or effluent flow measurements are impractical (e.g. septic tank collection system). For these facilities, flow measuring and sampling type will be specified in the certification. If only one device is applicable, then that device will be used to report both influent and effluent flow. However, where these devices are not in place at the time of certification, the permittee has one year from the end of the calendar month that certification was given to install the required equipment. Where such equipment is in place, the frequency and type of flow monitoring will be "Continuous" and "Recorder", respectively. Where such equipment is not in place, the frequency and type of flow monitoring, during the interim period, will be specified in the certification. For certain facilities, the use of a metered pumping rate or potable water use or may be allowed. In these cases, the monitoring frequency and sample type are determined and specified in the certification.

- 4 Limitations for 5-day Carbonaceous Biochemical Oxygen Demand (CBOD<sub>5</sub>) of 25 mg/l (30-day average) and 40 mg/l (maximum 7-day average) may be substituted for the limits for BOD<sub>5</sub> as identified in the certification. 85% removal of CBOD<sub>5</sub> would also be required.
- 5 For domestic sources, where the permittee has demonstrated that the treatment facility is unable to meet the 85 percent removal requirement for a parameter and the inability to meet the requirement is not caused by infiltration and inflow, a lower percent removal requirement or a mass loading limit may be substituted provided that the permittee can demonstrate that the numeric limitations for BOD<sub>5</sub>, CBOD<sub>5</sub>, and TSS can be met.
- 6 For *E. coli* the statistic used is the Geometric Mean, which is based on Method 1: Geometric Mean =  $(a*b*c*d*...)^{(1/n)}$ , or Method 2: Geometric Mean =  $\text{antilog}([\log(a)+\log(b)+\log(c)+\log(d)+...]/n)$ .
- 7 Where facilities discharge to receiving waters with a TMDL or listed on the 303(d) list of impaired waters, the effluent limitation are equal to the applicable water quality standard for the TMDL or listed parameter. See the Fact Sheet for more information.
- 8 Total Phosphorus limits are established and included in the certification, where applicable, and are based on the applicable regulation (Regulation Nos. 71-74).
- 9 TDS monitoring requirement applies to discharges 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.
- 10 Monitoring frequency for WET testing are implemented in accordance with the Division's Whole Effluent Toxicity (WET) Testing Policy. The in-stream waste concentration (IWC) for each facility is specified in the certification and determined using the following equation:  $IWC = [\text{Facility Flow (FF)} / (\text{Stream Chronic Low Flow (annual)} + \text{FF})] \times 100\%$

#### 6. New Facilities With Design Flows Of Less Than 1.0 MGD

The limits that follow apply to new treatment facilities. New treatment facility means any domestic wastewater treatment facility on a new site that is not an "existing treatment facility" and commences discharge to surface water, or receives PELs, after May 31, 2012 in addition to the applicable influent and effluent limits in Parts I.B.2 through I.B.5 of this permit. Existing Treatment facility means any existing domestic wastewater treatment facility that commenced discharge or received PELs or site approval prior to May 31, 2012 for groundwater discharge, surface water discharge, or a non-discharging facility; or that applied for a Notice of Authorization for the application of reclaimed water prior to May 31, 2012.

- a. The following annual median and 95<sup>th</sup> percentile total inorganic nitrogen and total phosphorus technology-based effluent limitations will apply based on Regulation 85.

| Table 1a   |                            |                              |
|--|----------------------------|------------------------------|
| Regulation 85 Technology-Based Effluent Limits for New Domestic Wastewater Treatment Works |                            |                              |
| Parameter  | Annual Median <sup>1</sup> | 95th Percentile <sup>2</sup> |
| Total Phosphorus (mg/l)  | 0.7                        | 1.75                         |
| Total Inorganic Nitrogen (mg/l)  | 7                          | 14                           |

<sup>1</sup> Reported as a running annual median, which is a median of all samples collected in the most recent 12 calendar months including samples collected in accordance with Regulation 85

<sup>2</sup> Reported as the 95th percentile of all samples taken in the most recent 12 calendar months including samples collected in accordance with Regulation 85

- b. The following annual median total nitrogen WQBELs will apply for new facilities based on the appropriate upstream water quality and the interim nutrient water quality standards in Regulation 31.17. If the WQBEL is in the shaded portion of the table, the division will automatically apply the technology-based effluent limitations in Table 1a.

| Table 1b  |        |  |  |
|---|--------|--|--|
| Total Nitrogen WQBEL (mg/l) for New Facilities with 100:1 Dilution Ratio (30E3:Design Flow) |        |  |  |
|   |        | Warm Water Classified Streams <sup>1</sup> | Cold Water Classified Streams <sup>1</sup> |
| Ambient upstream Total Nitrogen (mg/l)  | 0.00   | 100 <sup>2</sup>                           | 100 <sup>2</sup>                           |
|   | 0.10   | 100 <sup>2</sup>                           | 100 <sup>2</sup>                           |
|   | 0.20   | 100 <sup>2</sup>                           | 100 <sup>2</sup>                           |
|   | 0.30   | 100 <sup>2</sup>                           | 96   |
|   | 0.40   | 100 <sup>2</sup>                           | 86   |
|   | 0.50   | 100 <sup>2</sup>                           | 76   |
|   | 0.60   | 100 <sup>2</sup>                           | 66   |
|   | 0.70   | 100 <sup>2</sup>                           | 56   |
|   | 0.80   | 100 <sup>2</sup>                           | 46   |
|   | 0.90   | 100 <sup>2</sup>                           | 36   |
|   | 1.00   | 100 <sup>2</sup>                           | 26   |
|   | 1.10   | 93   | 16   |
|   | 1.20   | 83   | 6.3  |
|   | 1.25   | 78   | 1.2  |
|   | 1.30   | 73   | 1.2  |
|   | 1.40   | 63   | 1.2  |
|   | 1.50   | 53   | 1.2  |
|   | 1.60   | 43   | 1.2  |
|   | 1.70   | 33   | 1.2  |
|   | 1.80   | 23   | 1.2  |
|   | 1.90   | 13   | 1.2  |
|   | 2.00   | 3.0  | 1.2  |
|   | ≥ 2.01 | 2.0  | 1.2  |

<sup>1</sup> Reported as a running annual median, which is a median of all samples collected in the most recent 12 calendar months including samples collected in accordance with Regulation 85

<sup>2</sup> Total Nitrogen effluent limitation is capped at 100 mg/l in accordance with division practice. See the fact sheet for more information.

- c. The following annual median total phosphorus WQBELs will apply for new facilities based on the appropriate upstream water quality and the interim nutrient water quality standards in Regulation 31.17. If the WQBEL is highlighted in grey, the division will automatically apply the technology-based effluent limitations in Table 1a.

| Table 1c  |      |  |  |
|---|------|--|--|
| Total Phosphorus WQBEL (mg/l) for New Facilities with 100:1 Dilution Ratio (30E3:Design Flow) |      |  |  |
|   |      | Warm Water Classified Streams <sup>1</sup> | Cold Water Classified Streams <sup>1</sup> |
| Ambient upstream Total Phosphorus   | 0.00 | 12   | 11   |
|   | 0.01 | 12 <sup>2</sup>                            | 10   |
|   | 0.02 | 12 <sup>2</sup>                            | 9.1  |
|   | 0.03 | 12 <sup>2</sup>                            | 8.1  |
|   | 0.04 | 12 <sup>2</sup>                            | 7.1  |
|   | 0.05 | 12   | 6.1  |
|   | 0.06 | 11   | 5.1  |
|   | 0.07 | 10   | 4.1  |

|      |      |      |
|------|------|------|
| 0.08 | 9.2  | 3.1  |
| 0.09 | 8.2  | 2.1  |
| 0.10 | 7.2  | 1.1  |
| 0.11 | 6.2  | 0.11 |
| 0.12 | 5.2  | 0.11 |
| 0.13 | 4.2  | 0.11 |
| 0.14 | 3.2  | 0.11 |
| 0.15 | 2.2  | 0.11 |
| 0.16 | 1.2  | 0.11 |
| 0.17 | 0.17 | 0.11 |

<sup>1</sup> Reported as a running annual median, which is a median of all samples collected in the most recent 12 calendar months including samples collected in accordance with Regulation 85

<sup>2</sup> Total Phosphorus effluent limitation is capped at 12 mg/l in accordance with division practice. See the fact sheet for more information.

## 7. 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 the certification and in Part I.B; the permittee shall at least monitor the following influent parameters at the required frequencies, as identified in the certification of this permit, the results to be reported on the Discharge Monitoring Report (See Part I.E).

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

Self-monitoring samples taken in compliance with the monitoring requirements specified below shall be taken at Monitoring point 300I (or its equivalent as noted in the certification), at a representative point prior to any biological treatment.

| Mechanical Plants With Design Flows Of Less Than Or Equal To 0.25 MGD |   |  |            |            |                                   |                         |
|---|---|--|------------|------------|-----------------------------------|-------------------------|
| ICIS Code   | Parameter   | Discharge Limitations Maximum Concentrations |            |            | Monitoring Frequency <sup>1</sup> | Sample Type             |
|   |   | 30-Day Avg.                                  | 7-Day Avg. | Daily Max. |                                   |                         |
| 50050G  | Flow, MGD   | Report                                       |            | Report     | Continuous <sup>2</sup>           | Recorder <sup>2</sup>   |
| 00180P  | Plant Capacity (% of Hydraulic Capacity) <sup>3</sup> | Report                                       |            |            | Monthly                           | Calculated <sup>3</sup> |
| 80082G  | CBOD <sub>5</sub> , mg/l <sub>4</sub>                 | Report                                       | Report     |            | Monthly                           | Composite <sup>5</sup>  |
| 00310G  | BOD <sub>5</sub> , mg/l                               | Report                                       | Report     |            | Monthly                           | Composite <sup>5</sup>  |
| 00310G  | BOD <sub>5</sub> , lbs/day                            | Report                                       | Report     |            | Monthly                           | Calculated              |
| 00180Q  | Plant Capacity (% of Organic Capacity) <sup>3</sup>   | Report                                       |            |            | Monthly                           | Calculated <sup>3</sup> |
| 00530G  | Total Suspended Solids, mg/l                          | Report                                       | Report     |            | Monthly                           | Composite <sup>5</sup>  |

| Mechanical Plants With Design Flows Of Greater Than 0.25 MGD and Less Than 1 MGD |           |  |            |            |                                   |             |
|--|-----------|--|------------|------------|-----------------------------------|-------------|
| ICIS Code  | Parameter | Discharge Limitations Maximum Concentrations |            |            | Monitoring Frequency <sup>1</sup> | Sample Type |
|  |           | 30-Day Avg.                                  | 7-Day Avg. | Daily Max. |                                   |             |

|        |   |        |        |        |                         |                         |
|--------|---|--------|--------|--------|-------------------------|-------------------------|
| 50050G | Flow, MGD   | Report |        | Report | Continuous <sup>2</sup> | Recorder <sup>2</sup>   |
| 00180P | Plant Capacity (% of Hydraulic Capacity) <sup>3</sup> | Report |        |        | Monthly                 | Calculated <sup>3</sup> |
| 80082G | CBOD <sub>5</sub> , mg/l <sup>4</sup>                 | Report | Report |        | Weekly                  | Composite <sup>5</sup>  |
| 00310G | BOD <sub>5</sub> , mg/l                               | Report | Report |        | Weekly                  | Composite <sup>5</sup>  |
| 00310G | BOD <sub>5</sub> , lbs/day                            | Report | Report |        | Weekly                  | Calculated              |
| 00180Q | Plant Capacity (% of Organic Capacity) <sup>3</sup>   | Report |        |        | Monthly                 | Calculated <sup>3</sup> |
| 00530G | Total Suspended Solids, mg/l                          | Report | Report |        | Weekly                  | Composite <sup>5</sup>  |

- 1 Monitoring frequency reductions may be granted, in accordance with the Baseline Monitoring Frequency, Sample Type, and Reduced Monitoring Frequency Policy for Industrial and Domestic Wastewater Treatment Facilities (WQP-20).
- 2 The monitoring frequency and sample type for effluent flow is specified in the certification and is fully enforceable under this permit. Mechanical type treatment facilities are typically required to have both influent and effluent flow measuring and recording devices. This requirement may be waived in cases where the division determines that either influent or effluent flow measurements are impractical. For these facilities, flow measuring and sampling type will be specified in the certification. If only one device is applicable, then that device will be used to report both influent and effluent flow. However, where these devices are not in place at the time of certification, the permittee has one year from the end of the calendar month that certification was given to install the required equipment. Where such equipment is in place, the frequency and type of flow monitoring will be "Continuous" and "Recorder", respectively. Where such equipment is not in place, the frequency and type of flow monitoring, during the interim period, will be specified in the certification. For certain facilities, the use of a metered pumping rate or potable water use or may be allowed. In these cases, the monitoring frequency and sample type will be determined and specified in the certification.
- 3 The % capacity is to be reported against the listed capacities for the design capacity and for the organic capacities as noted in the most recent Site Approval and as listed in the certification. The percentage should be calculated using the 30-day average values divided by the corresponding capacity, times 100.
- 4 Monitoring for CBOD<sub>5</sub> will be added in addition to BOD<sub>5</sub> on the influent sampling requirements when CBOD is used as a limitation on the effluent instead of BOD. This is needed to determine the percent removal of CBOD where applicable. BOD monitoring is still necessary to determine the organic loading in terms of percent capacity when Site Approvals are developed on BOD.
- 5 See the definition of "composite" in Part I.D of this permit. If the division determines that a flow-weighted composite sample is impracticable for a facility, a time composite sample of four equal aliquots collected at two-hour intervals or sampling equal aliquots will be allowed. The monitoring frequency and sample type will be specified in the certification. See Section VI.A of the fact sheet for more information.

**Lagoon or other Non-Mechanical Facilities With Design Flows Of Less Than Or Equal To 0.5 MGD**

| ICIS Code | Parameter   | Discharge Limitations<br>Maximum Concentrations |            |            | Monitoring Frequency <sup>1</sup> | Sample Type             |
|-----------|---|---|------------|------------|-----------------------------------|-------------------------|
|           |   | 30-Day Average                                  | 7-Day Avg. | Daily Max. |                                   |                         |
| 50050G    | Flow, MGD   | Report  |            | Report     | Continuous <sup>2</sup>           | Recorder <sup>2</sup>   |
| 00180P    | Plant Capacity (% of Hydraulic Capacity) <sup>3</sup> | Report  |            |            | Monthly                           | Calculated <sup>3</sup> |
| 80082G    | CBOD <sub>5</sub> , mg/l <sup>4</sup>                 | Report  | Report     |            | Monthly                           | Composite <sub>5</sub>  |
| 00310G    | BOD <sub>5</sub> , mg/l                               | Report  | Report     |            | Monthly                           | Composite <sub>5</sub>  |
| 00310G    | BOD <sub>5</sub> , lbs/day                            | Report  | Report     |            | Monthly                           | Calculated              |
| 00180Q    | Plant Capacity (% of Organic Capacity)                | Report  |            |            | Monthly                           | Calculated <sup>3</sup> |

**Lagoon Facilities With Design Greater Than 0.5 MGD and Less Than 1 MGD**

| ICIS Code | Parameter | Discharge Limitations<br>Maximum Concentrations |  | Monitoring | Sample Type |
|-----------|-----------|---|--|------------|-------------|
|-----------|-----------|---|--|------------|-------------|



|        |   | 30-Day Avg. | 7-Day Avg. | Daily Max. | Frequency <sup>1</sup>  |                           |
|--------|---|-------------|------------|------------|-------------------------|---------------------------|
| 50050G | Flow, MGD   | Report      |            | Report     | Continuous <sup>2</sup> | Recorder <sup>2</sup>     |
| 00180P | Plant Capacity (% of Hydraulic Capacity) <sup>3</sup> | Report      |            |            | Monthly                 | Calculated <sup>3,5</sup> |
| 80082G | CBOD <sub>5</sub> , mg/l <sup>4</sup>                 | Report      | Report     |            | Weekly                  | Composite <sup>5</sup>    |
| 00310G | BOD <sub>5</sub> , mg/l                               | Report      | Report     |            | Weekly                  | Composite <sup>5</sup>    |
| 00310G | BOD <sub>5</sub> , lbs/day                            | Report      | Report     |            | Weekly                  | Calculated <sup>5</sup>   |
| 00180Q | Plant Capacity (% of Organic Capacity)                | Report      |            |            | Monthly                 | Calculated <sup>3,5</sup> |

- 1 Monitoring frequency reductions may be granted, in accordance with the Baseline Monitoring Frequency, Sample Type, and Reduced Monitoring Frequency Policy for Industrial and Domestic Wastewater Treatment Facilities (WQP-20).
- 2 The monitoring frequency and sample type for effluent flow is specified in the certification and is fully enforceable under this permit. Lagoon type and OWTS treatment facilities are typically required to have both influent and effluent flow measuring and recording devices. This requirement may be waived in cases where the division determines that either influent or effluent flow measurements are impractical. For these facilities, flow measuring and sampling type will be specified in the certification. If only one device is applicable, then that device will be used to report both influent and effluent flow. However, where these devices are not in place at the time of certification, the permittee has one year from the end of the calendar month that certification was given to install the required equipment. Where such equipment is in place, the frequency and type of flow monitoring will be "Continuous" and "Recorder", respectively. Where such equipment is not in place, the frequency and type of flow monitoring, during the interim period, will be specified in the certification. For certain facilities, the use of a metered pumping rate or potable water use or may be allowed. In these cases, the monitoring frequency and sample type will be determined and specified in the certification.
- 3 The % capacity is to be reported against the listed capacities for the design capacity and for the organic capacities as noted in the most recent Site Approval and as listed in the certification. The percentage should be calculated using the 30-day average values divided by the corresponding capacity, times 100.
- 4 Monitoring for CBOD<sub>5</sub> will be added in addition to BOD<sub>5</sub> on the influent sampling requirements when CBOD is used as a limitation on the effluent instead of BOD. This is needed to determine the percent removal of CBOD where applicable. BOD monitoring is still necessary to determine the organic loading in terms of percent capacity when Site Approvals are developed on BOD.
- 5 See the definition of "composite" in Part I.D of this permit. If the division determines that a flow-weighted composite sample is impracticable for a facility, a time composite sample of four equal aliquots collected at two-hour intervals or sampling equal aliquots will be allowed. The monitoring frequency and sample type will be specified in the certification. If the division determines that a representative sample of influent flow is impractical (e.g. septic tank at individual buildings), the influent sample may be collected after an initial septic/primary settling tank that does not receive recycle flow. In that case, the results would be adjusted for reporting based on the following procedure: The influent concentration reported on Discharge Monitoring Reports (DMRs) shall be calculated as the sample result divided by 0.7 for BOD and 0.4 for TSS. Monitoring of influent loading and concentration for secondary treatment parameters, BOD and TSS, is specified in the certification.

## C. TERMS AND CONDITIONS

### 1. Service Area

All wastewater flows contributed in the service area may be accepted by the WWTFs under this permit 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.B, 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**

The design capacities of the WWTFs under this permit will be based on the levels shown in the respective Site Approvals for these WWTFs. The hydraulic design capacity of these domestic wastewater treatment works will be shown in units of million gallons per day (MGD) based on a 30-day average flow, and organic loading in units of lbs. BOD5 per day based on a 30-day average load.

## **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. Best Management Practices**

a. If the domestic wastewater treatment facility consists of an on-site wastewater treatment system

(OWTS), (e.g., septic system), the permittee shall employ best management practices (BMPs) to effectively manage the onsite treatment system and to minimize the potential risk of any unintentional release of pollutants. Best management practices shall include, but are not limited to the following:

- i. Properly operate and manage the wastewater treatment system at no greater than its maximum treatment capacity. Keep a logbook to demonstrate the average and maximum daily flows for each month of operation.
  - ii. Inspect the scum level and sludge level in each septic tank (as applicable) in order to know when the particular septic tank needs to be pumped. Have the septic tank pumped by a licensed pumping contractor.
  - iii. Conduct routine inspections of all facilities and systems of treatment and control. Maintain a log book on inspection results and a description of any repairs made.
  - iv. Make every effort to prevent hazardous waste, toxic waste, and/or recreational vehicle (RV) septage from entering any on-site wastewater treatment system (OWTS), as applicable.
- b. Where a Division approved Operation and Maintenance (O&M) Plan is required as a condition of the Site Application Approval, the Permittee shall operate and maintain the wastewater treatment plant in accordance with the approved O&M plan.

The certification for discharge may include a special report schedule or other permit requirement.

## **6. Change In Conditions**

Any change to the domestic wastewater treatment plant, or to the wastewater it receives, which results in an inability to meet any condition identified in the "Certification Requirements" at Part I.A.3., above, must be reported to the Division within ten (10) working days of the date the permittee becomes aware of such change. The Division will require the permittee to apply for and obtain an individual permit if it determines that the domestic wastewater treatment plant no longer qualifies for authorization to discharge under the general permit.

## **7. Lagoon Liner Integrity**

For those facilities that use a lagoon as treatment for meeting the permit limitations, the Division will require proof that the lagoon liner meets the allowable seepage rate of  $1 \times 10^{-6}$  cm/sec. The certification for discharge may include a compliance schedule or other permit requirement to show that the liner is in place and is functioning appropriately.

## **8. Acute WET Testing**

### **a. General Acute WET Testing and Reporting Requirements**

The permittee shall conduct an acute 48-hour WET test using *Ceriodaphnia dubia* and an acute 96-hour WET test using *Pimephales promelas*. Acute tests shall be conducted as a static replacement test using a single effluent grab sample. The permittee shall conduct each acute WET test in accordance with the 40 CFR Part 136 methods described in Methods for Measuring the Acute Toxicity of Effluents and Receiving Water to Freshwater and Marine Organisms, Fifth Edition, October 2002 (EPA-821-R-02-012) or its most current edition. The following specifications may be added to the acute WET method in the certification:

Use of the 0.01 alpha level - The permittee may request use of the 0.01 alpha level, and if specified in the certification, this alpha level shall be used for every WET test under the certification. In this case, the permittee is responsible for determining whether an increase in replicates within each individual test is needed to assure that the test meets the minimum sensitivity requirements. Chapter 2 of the Method Guidance and Recommendations for Whole Effluent Toxicity (WET) Testing, EPA 821-B-00-004, USEPA, July 2000, must be used to

calculate and determine if the minimum significant difference (MSD) requirement has been met. If this requirement is not met, the test is considered invalid and retesting must be performed during the monitoring period. The permittee will be required to submit documentation showing that the appropriate number of replicates was used and that the proper MSD criterion has been met, with the WET information summary that is submitted to the Division with the WET test results.

Use of a CO<sub>2</sub> atmosphere to control pH drift - The use of a CO<sub>2</sub> atmosphere may be allowed, if specified in the certification, to control ammonia toxicity due to pH drift. The proper methodology as outlined in the Chronic Method must be followed and documented during the test. The permittee will be required to submit documentation showing that the proper methodology was used in the testing with the WET information summary that is submitted to the Division with the WET test results.

The following minimum dilution series should be used: 0% effluent (control), 20%, 40%, 60%, 80%, 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 as was used in the failed test.

Tests shall be done at the frequency listed in the certification. 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 and Division Notification

An acute WET test is failed whenever the LC<sub>50</sub>, which represents an estimate of the effluent concentration which is lethal to 50% of the test organisms in the time period prescribed by the test, is found to be less than or equal to 100% effluent. The permittee must provide written notification of the failure of a WET test to the Division, along with a statement as to whether

accelerated testing or a Toxicity Identification Evaluation (TIE) is being performed, unless otherwise exempted, in writing, by the Division. **Notification must be received by the Division within 14 calendar days of the permittee receiving notice of the WET testing results.**

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 (the LC<sub>50</sub> endpoint is less than the applicable IWC)
- during a report-only period, when the LC<sub>50</sub> endpoint is less than the applicable IWC
- 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 / Toxicity Reduction Evaluation (TIE/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, at the appropriate IWC, with only one test being run at a time. Accelerated testing shall continue until; 1) two consecutive tests fail or three of five tests fail, in which case a pattern of toxicity has been demonstrated or 2) two consecutive tests pass or three of five tests pass, in which case no pattern of toxicity has been found. Note that the same dilution series should be used in the accelerated testing as was used in the initial test(s) that result in the accelerated testing requirement.

If no pattern of toxicity is found the toxicity episode is considered to be ended and routine testing is to resume. If a pattern of toxicity is found, a TIE/TRE investigation is to be performed. If a pattern of toxicity is not demonstrated but a significant level of erratic toxicity is found, the Division may require an increased frequency of routine monitoring or some other modified approach. The permittee shall provide written notification of the results within 14 calendar days of completion of the Pattern of Toxicity/No Toxicity demonstration.

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

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

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

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

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

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

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

**9. Chronic WET Testing**

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 or grab samples, as specified in the certification. 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 specifications may be added to the chronic WET method:

Use of the 0.01 alpha level - The permittee has requested use of the 0.01 alpha level, and therefore this alpha level shall be used for every WET test under this permit. The permittee is responsible for determining whether an increase in replicates within each individual test is

needed to assure that the test meets the minimum sensitivity requirements. Chapter 2 of the Method Guidance and Recommendations for Whole Effluent Toxicity (WET) Testing, EPA 821-B-00-004, USEPA, July 2000, must be used to calculate and determine if the minimum significant difference (MSD) requirement has been met. If this requirement is not met, the test is considered invalid and retesting must be performed during the monitoring period. The permittee will be required to submit documentation showing that the appropriate number of replicates was used and that the proper MSD criterion has been met, with the WET information summary that is submitted to the Division with the WET test results.

Use of a CO<sub>2</sub> atmosphere to control pH drift - The use of a CO<sub>2</sub> atmosphere will be allowed to control ammonia toxicity due to pH drift. The proper methodology as outlined in the Chronic Method must be followed and documented during the test. The permittee will be required to submit documentation showing that the proper methodology was used in the testing with the WET information summary that is submitted to the Division with the WET test results.

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

The following minimum dilution series should be used based on the IWC calculated in the certification: 0% effluent (control), IWC/4%, IWC/2%, IWC%, (IWC+100)/2%, 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 the certification. Test results shall be reported along with the Discharge Monitoring Report (DMR) submitted for the end of the reporting period when the sample was taken. (i.e., WET testing results for the calendar quarter ending March 31 shall be reported with the DMR due April 28, etc.) The permittee shall submit all laboratory statistical summary sheets, summaries of the determination of a valid, invalid or inconclusive test, and copies of the chain of custody forms, along with the DMR for the reporting period.

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

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

A chronic WET test is considered a violation of a permit limitation when both the NOEC and the IC<sub>25</sub>, 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 each facility covered by this general permit will be outlined in the certification.**

A chronic WET test is considered to have failed one of the two statistical endpoints when either the NOEC or the IC<sub>25</sub> are at any effluent concentration less than the IWC. Simultaneous failure of both the NOEC and IC<sub>25</sub> 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 the certification. **The IWC for each facility covered by this general permit will be outlined in the certification.**

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.

**10. Compliance Schedule(s)**

Pursuant to Regulations 61.8(3)(n) and 61.9(2)(f), this general permit authorizes the inclusion of compliance schedules in specific certifications when consistent with the Division's Compliance Schedule Policy CW3 and federal requirements. For instance, a certification for an existing discharger under this general permit may contain a compliance schedule if there is a new water quality based effluent limitation or if a water quality based effluent limitation becomes more stringent. The terms and conditions of the compliance schedule will be modeled after the examples in the fact sheet and will include dates for submitting specific reports or the completion of various activities needed to meet the final permit limitations. Compliance schedules will include enforceable milestones at least once a year.

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 due date. The specific report or action item is due by the date listed in the compliance schedule.

**11. Special Studies and Additional Monitoring**

Pursuant to Regulation 61.9(2)(f), this general permit authorizes the inclusion in certifications of additional reporting requirements based on site specific considerations including but not limited to a Salinity Study; Groundwater Protection Study; Infiltration/Inflow study; Onsite-Wastewater Treatment System Annual Report; or Installing Flow Measurement Devices. These requirements will vary depending on site-specific considerations and will be fully enforceable under this permit.

**12. Industrial Waste Management**

- a. The Permittee has the responsibility to protect the Domestic Wastewater Treatment Works (DWTW), as defined at section 25.8.103(5) of the Colorado Water Quality Control Act, or the Publicly-Owned Treatment Works (POTW), as defined at 40 CFR section 403.3(q) of the federal pretreatment regulations, from pollutants which would cause pass through or interference, as defined at 40 CFR 403.3(p) and (k), or otherwise be incompatible with operation of the treatment

works including interference with the use or disposal of municipal sludge.

- b. Pretreatment Standards (40 CFR Section 403.5) developed pursuant to Section 307 of the Federal Clean Water Act (the Act) require that the Permittee shall not allow, under any circumstances, the introduction of the following pollutants to the DWTW from any source of non-domestic discharge:
  - i. Pollutants which create a fire or explosion hazard in the DWTW, 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 Section 261.21;
  - ii. Pollutants which will cause corrosive structural damage to the DWTW, but in no case discharges with a pH of lower than 5.0 s.u., unless the treatment facilities are specifically designed to accommodate such discharges;
  - iii. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the DWTW, or otherwise interfere with the operation of the DWTW;
  - iv. 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 any treatment process at the DWTW;
  - v. Heat in amounts which will inhibit biological activity in the DWTW resulting in Interference, but in no case heat in such quantities that the temperature at the DWTW treatment plant exceeds forty (40) degrees Centigrade (104 degrees Fahrenheit) unless the Approval Authority, upon request of the DWTW, approves alternate temperature limits;
  - vi. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through;
  - vii. Pollutants which result in the presence of toxic gases, vapors, or fumes within the DWTW in a quantity that may cause acute worker health and safety problems;
  - viii. Any trucked or hauled pollutants, except at discharge points designated by the DWTW; and
  - ix. Any specific pollutant that exceeds a local limitation established by the Permittee in accordance with the requirements of 40 CFR Section 403.5(c) and (d).
  - x. Any other pollutant which may cause Pass Through or Interference.
- c. EPA shall be the Approval Authority and the mailing address for all reporting and notifications to the Approval Authority shall be: USEPA 1595 Wynkoop St. 8ENF-W-NP, Denver, CO 80202-1129. Should the State be delegated authority to implement and enforce the Pretreatment Program in the future, the Permittee shall be notified of the delegation and the state permitting authority shall become the Approval Authority.
- d. In addition to the general limitations expressed above, more specific Pretreatment Standards have been and will be promulgated for specific industrial categories under Section 307 of the Act (40 CFR Part 405 et. seq.).
- e. The Permittee must notify the state permitting authority and the Approval Authority, of any new introductions by new or existing industrial users or any substantial change in pollutants from any industrial user within sixty (60) calendar days following the introduction or change. Such notice must identify:

- i. Any new introduction of pollutants into the DWTW from an industrial user which would be subject to Sections 301, 306, or 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 DWTW by any industrial user;
- iii. For the purposes of this section, adequate notice shall include information on:
  - (A) The identity 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 DWTW; and
  - (C) Any anticipated impact of the change on the quantity or quality of effluent to be discharged from or biosolids or sludge produced at such DWTW.
- iv. For the purposes of this section, an industrial user shall include:
  - (A) Any discharger subject to Categorical Pretreatment Standards under Section 307 of the Act and 40 CFR chapter I and subchapter N;
  - (B) Any discharger which has a process wastewater flow of 25,000 gallons or more per day;
  - (C) Any discharger contributing five percent or more of the average dry weather hydraulic or organic capacity of the DWTW treatment plant;
  - (D) Any discharger who is designated by the Approval Authority as having a reasonable potential for adversely affecting the DWTW's operation or for violating any Pretreatment Standard or requirements;
- f. At such time as a specific Pretreatment Standard or requirement becomes applicable to an industrial user of the Permittee, the state permitting authority and/or Approval Authority may, as appropriate:
  - i. Amend the Permittee's NPDES discharge permit to require the Permittee to develop and submit an approvable Pretreatment program under a compliance schedule, in accordance with procedures in 40 CFR 403.8(e). The modification of a POTW's NPDES Permit for the purposes of incorporating a POTW Pretreatment Program approved in accordance with the procedure in §403.11 shall be deemed a minor Permit modification subject to the procedures in 40 CFR 122.63(g); or,;
  - ii. Require the Permittee to specify, by ordinance, order, or other enforceable means, the type of pollutant(s) and the maximum amount which may be discharged to the Permittee's DWTW for treatment. Such requirement shall be imposed in a manner consistent with the program development requirements of the General Pretreatment Regulations at 40 CFR Part 403; and/or,
  - iii. Require the Permittee to monitor its discharge for any pollutant which may likely be discharged from the Permittee's DWTW, should the industrial user fail to properly pretreat its waste.

The state permitting authority and the Approval Authority retains, at all times, the right to take legal action against any source of nondomestic discharge, whether directly or indirectly controlled by

the Permittee, for violations of a permit, order or similar enforceable mechanism 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 CDPS 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 DWTW, the state permitting authority and/or Approval Authority shall hold the Permittee and/or industrial user responsible and may take legal action against the Permittee as well as the Industrial user(s) contributing to the permit violation.

#### D. DEFINITIONS 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. "Applicable water quality criterion (AWQC)" is the quantitation target level or goal. The AWQC may be one of the following:

Where an effluent limit has been established,

- i. The AWQC is the effluent limit.

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

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

3. "Chronic toxicity", which includes lethality and growth or reproduction, occurs when the NOEC and IC25 are at an effluent concentration less than the IWC indicated in this permit.
4. "Composite" sample is a minimum of four (4) grab samples collected at equally spaced two (2) hour intervals and proportioned according to flow. For a SBR or intermittent batch discharge type treatment system, a composite sample is defined as sampling equal aliquots during the beginning, middle, and end of a decant period, for two consecutive periods during a day (if possible).
5. "Continuous" measurement, is a measurement obtained from an automatic recording device which continually measures the effluent for the parameter in question, or that provides measurements at specified intervals.
6. "Daily Maximum limitation" for all parameters (except temperature, pH and dissolved oxygen) means the limitation for this parameter shall be applied as an average of all samples collected in one calendar day. For these parameters the DMR shall include the highest of the daily averages. For pH and dissolved oxygen, this means an instantaneous maximum (and/or instantaneous minimum) value. The instantaneous value is defined as the analytical result of any individual sample. For pH and dissolved oxygen, DMRs shall include the maximum (and/or minimum) of all instantaneous values within the calendar month. Any value beyond the noted daily maximum limitation for the indicated parameter shall be considered a violation of this permit.
7. "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.

8. "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 =  $(a*b*c*d*\dots)^{(1/n)}$  "\*" - 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 *E. coli* 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 *E. coli* 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.

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

13. "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.
14. "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.
15. "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.
16. "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.
17. "Practical Quantitation Limit (PQL)" means the minimum concentration of an analyte (substance) that can be measured with a high degree of confidence that the analyte is present at or above that concentration. The use of PQL in this document may refer to those PQLs shown in Part I.E.5 of this permit or the PQLs of an individual laboratory.
18. "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.
19. "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.)
20. "Seven (7) day average" means, with the exception of fecal coliform or *E. coli* bacteria (see geometric mean), the arithmetic mean of all samples collected in a seven (7) consecutive day period. Such seven (7) day averages shall be calculated for all calendar weeks, which are defined as beginning on Sunday and ending on Saturday. If the calendar week overlaps two months (i.e. the Sunday is in one month and the Saturday in the following month), the seven (7) day average calculated for that calendar week shall be associated with the month that contains the Saturday. Samples may not be used for more than one (1) reporting period. **(See the "Analytical and Sampling Methods for Monitoring and Reporting Section in Part I.E.5 for guidance on calculating averages and reporting analytical results that are less than the PQL).**
21. "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.

22. "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.E.5 for guidance on calculating averages and reporting analytical results that are less than the PQL).**
23. Toxicity Identification Evaluation (TIE) is a set of site-specific procedures used to identify the specific chemical(s) causing effluent toxicity.
24. "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.E.5 for guidance on calculating averages and reporting analytical results that are less than the PQL).**
25. "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.
26. "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.
27. 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.
28. "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.
29. "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.
30. "Visual" observation is observing the discharge to check for the presence of a visible sheen or floating oil.
31. "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.

## E. PERMIT SPECIFIC MONITORING, SAMPLING AND REPORTING REQUIREMENTS

### 1. Routine Reporting of Data

Reporting of the data gathered in compliance with Part I.B or Part I.C shall be on a **monthly** basis. Reporting of all data gathered shall comply with the requirements of Part I.E (General Requirements).

Monitoring results shall be summarized for each calendar month 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

#### State Biosolids Annual Report

The permittee shall provide a biosolids annual report to the Division no later than **February 19<sup>th</sup>** of each year. The Self-Monitoring Report shall include the items identified in **Regulation 64.17.B**. Reports shall be submitted addressing all such activities that occurred in the previous calendar year. Biosolids monitoring results shall be reported using appropriate division-provided forms, currently the Biosolids Annual Report form. Biosolids Annual Reports required herein, shall be signed and certified in accordance with the Signatory Requirements, Part II.K and submitted as follows:

The original copy of each form, plus copies of all required documentation, shall be submitted to the following address:

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

### **EPA Biosolids Annual Report**

EPA biosolids reporting is now done electronically. It is the responsibility of the permittee to check with the EPA on whether or not the EPA requires a biosolids annual report for the facility.

### **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, unless otherwise specified in the certification. Any discharge to the waters of the State from a point source other than specifically authorized by this permit is prohibited. 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. PQLs for other parameters may be included in a certification under this general permit.
- 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                 |
| 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 the permit certification, 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.

An instantaneous or continuous effluent flow measuring device shall be required in addition to the above described influent flow measuring device. Where influent/effluent flow metering is not practical and the same results may be obtained from metering at the influent/effluent end of the treatment facility or flow metering by some other means, this type of flow metering arrangement will be considered, and if approved, noted in the certification. In these cases, the monitoring frequency and sample type will be determined and specified in the certification.

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 permittee 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.B 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(113).
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(113). 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(l)(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) (e), 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 chlordanes          |
| 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                             | Mevinphos  |
| Allyl alcohol                            | Mexacarbate  |
| Allyl chloride                           | Monoethyl amine                                      |
| Amyl acetate                             | Monomethyl amine                                     |
| Aniline                                  | 2-[N-ethylperfluorooctanesulfonamido] acetic acid    |
| Benzonitrile                             | 2-[N-methylperfluorooctanesulfonamido] acetic acid   |
| Benzyl chloride                          | Naled  |
| Butyl acetate                            | Napthenic acid                                       |
| Butylamine                               | Nitrotoluene   |
| Captan                                   | Parathion  |
| Carbaryl                                 | Perfluorooctanoic Acid                               |
| Carbofuran                               | Perfluorobutanoic Acid                               |
| Carbon disulfide                         | Perfluorooctanesulfonamide                           |
| Chlorpyrifos                             | Perfluoropentanoic acid                              |
| Coumaphos                                | Perfluorohexanoic acid                               |
| Cresol                                   | Perfluoroheptanoic acid                              |
| Crotonaldehyde                           | Perfluorononanoic acid                               |
| Cyclohexane                              | Perfluorodecanoic acid                               |
| 2,4-D (2,4-Dichlorophenoxy acetic acid)  | Perfluoroundecanoic acid                             |
| Diazinon                                 | Perfluorododecanoic acid                             |
| Dicamba                                  | Perfluorotridecanoic acid                            |
| Dichlobenil                              | Perfluorotetradecanoic acid                          |
| Dichlone                                 | Perfluorobutanesulfonic acid                         |
| 2,2-Dichloropropionic acid               | Perfluorododecanesulfonic acid                       |
| Dichlorvos                               | Perfluoroheptanesulfonic acid                        |
| Diethyl amine                            | Perfluorohexanesulfonic acid                         |
| Dimethyl amine                           | Perfluorooctanesulfonic acid                         |
| Dintrobenzene                            | Perfluoropentane sulfonic acid                       |
| Diquat                                   | Perfluorononane sulfonic acid                        |
| Disulfoton                               | Phenolsulfanate                                      |
| Diuron                                   | Phosgene   |
| Epichlorohydrin                          | Propargite   |
| Ethion                                   | Propylene oxide                                      |
| Ethylene diamine                         | Pyrethrins   |
| Ethylene dibromide                       | Quinoline  |
| 4:2 Fluorotelomer sulfonic acid          | Resorcinol   |
| 6:2 Fluorotelomer sulfonic acid          | Strontium  |
| 8:2 Fluorotelomer sulfonic acid          | Strychnine   |
| Formaldehyde                             | Styrene  |
| Furfural                                 | 2,4,5-T (2,4,5-Trichlorophenoxy acetic acid)         |
| Guthion                                  | TDE (Tetrachlorodiphenylethane)                      |
| Hexafluoropropylene oxide dimer acid     | 2,4,5-TP [2-(2,4,5-Trichlorophenoxy) propanoic acid] |
| Isoprene                                 | Trichlorofan   |
| Isopropanolamine Dodecylbenzenesulfonate | Triethanolamine dodecylbenzenesulfonate              |
| Kelthane                                 | Triethylamine  |
| Kepone                                   | Trimethylamine                                       |
| Malathion                                | Uranium  |
| Mercaptodimethur                         | Vanadium   |
| Methoxychlor                             | Vinyl acetate  |
| Methyl mercaptan                         | Xylene   |
| Methyl methacrylate                      | Xylenol  |
| Methyl parathion                         | Zirconium  |