

Appendix D
CDPS Permit No. COS000009



STATE OF COLORADO

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
Water Quality Control Division

AUTHORIZATION TO DISCHARGE UNDER THE COLORADO DISCHARGE PERMIT SYSTEM

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

Suncor Energy (USA) Inc.

is authorized to discharge from the Commerce City Refinery located at **in the SW ¼ of Sect. 12, T3S, R68W, 6th P.M., at 5801 Brighton Blvd., Commerce City, CO, Latitude: 39.75 N, Longitude: 104.883333 W**

to **Sand Creek** and the **South Platte River**

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

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

This permit and the authorization to discharge shall expire at midnight, **October 31, 2017**.

Issued and Signed this **September 27, 2012**

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Janet Kieler, Permits Section Manager
Water Quality Control Division

ISSUED AND SIGNED: September 27, 2012

EFFECTIVE DATE OF PERMIT: November 1, 2012

TABLE OF CONTENTS

PART I	4
A. AUTHORITY TO DISCHARGE	4
1. Allowable Stormwater Discharges.....	4
2. Allowable Non-Stormwater Discharges.....	4
3. Emergency Fire Fighting.....	4
4. Limitations on Coverage.....	4
B. EFFLUENT LIMITATIONS	5
1. Permitted Feature(s).....	5
2. Practice-based Effluent Limitations.....	6
3. Numeric Effluent Limitations based on Effluent Limitations Guidelines.....	7
4. Water Quality-Based Effluent Limitations.....	8
C. ADDITIONAL MONITORING REQUIREMENTS	8
1. Visual Monitoring.....	8
2. Site-specific Benchmark Monitoring.....	9
D. PERMIT COMPLIANCE	10
E. CONTROL MEASURES	11
1. Installation and implementation specifications.....	11
2. Maintenance of Control Measures and Associated Documentation.....	11
F. STORMWATER MANAGEMENT PLAN (SWMP)—GENERAL SWMP REQUIREMENTS	11
G. STORMWATER MANAGEMENT PLAN (SWMP)—SPECIFIC SWMP REQUIREMENTS	12
1. SWMP Administrator.....	12
2. Facility Description.....	12
3. Facility Map.....	13
4. Facility Inventory and Assessment of Pollutant Sources.....	13
5. Description of Control Measures.....	14
6. Additional Control Measure Requirements.....	14
7. Inspection Procedures and Documentation.....	15
8. Monitoring Procedures and Documentation.....	15
9. Corrective Action Documentation.....	15
H. INSPECTIONS	15
1. Inspection Frequency and Personnel.....	16
2. Inspection Scope.....	16
3. Inspection Documentation.....	16
4. Non-Compliance discovered during inspection.....	17
I. GENERAL MONITORING REQUIREMENTS	17
1. Monitored Outfalls.....	17
2. Representative Sampling.....	17
3. Measurable Storm Events.....	17
4. Storm Event Information.....	17
5. Sample Type and Requirements.....	17
6. Analytical Requirements.....	18
7. Adverse Weather Conditions.....	20
8. Monitoring Periods.....	20
9. Additional Monitoring.....	20
10. Monitoring for Allowable Non-Stormwater Discharges.....	20
J. CORRECTIVE ACTIONS	20
1. Conditions that must be Eliminated.....	20
2. Conditions that Require Review and Modification.....	20
3. Corrective Action Reports and Deadlines.....	21
4. Control measure modification.....	21
K. REPORTING AND RECORDKEEPING	21
1. Routine Reporting of Data- Discharge Monitoring Report.....	21
2. Annual Report.....	22
3. Additional Reporting.....	22
4. SWMP Records.....	22
5. Sampling Records.....	22
6. Signatory and Certification Requirements.....	23
L. OTHER TERMS AND CONDITIONS	23

PART II.....	25
A. NOTIFICATION REQUIREMENTS.....	25
1. <i>Notification to Parties</i>	25
2. <i>Change in Discharge</i>	25
3. <i>Special Notifications - Definitions</i>	25
4. <i>Noncompliance Notification</i>	26
5. <i>Other Notification Requirements</i>	26
6. <i>Bypass Notification</i>	27
7. <i>Upsets</i>	27
8. <i>Discharge Point</i>	28
9. <i>Proper Operation and Maintenance</i>	28
10. <i>Minimization of Adverse Impact</i>	28
11. <i>Removed Substances</i>	28
12. <i>Submission of Incorrect or Incomplete Information</i>	28
13. <i>Bypass</i>	28
14. <i>Reduction, Loss, or Failure of Treatment Facility</i>	29
B. RESPONSIBILITIES.....	29
1. <i>Inspections and Right to Entry</i>	29
2. <i>Duty to Provide Information</i>	30
3. <i>Transfer of Ownership or Control</i>	30
4. <i>Availability of Reports</i>	30
5. <i>Modification, Suspension, Revocation, or Termination of Permits By the Division</i>	30
6. <i>Oil and Hazardous Substance Liability</i>	33
7. <i>State Laws</i>	33
8. <i>Permit Violations</i>	33
9. <i>Property Rights</i>	33
10. <i>Severability</i>	33
11. <i>Renewal Application</i>	33
12. <i>Confidentiality</i>	33
13. <i>Fees</i>	34
14. <i>Duration of Permit</i>	34
15. <i>Section 307 Toxics</i>	34
16. <i>Effect of Permit Issuance</i>	34
APPENDIX A. DEFINITIONS AND ABBREVIATIONS.....	35

PART I

A. AUTHORITY TO DISCHARGE

Beginning no later than the effective date of this permit and lasting through the expiration date, the permittee is authorized to discharge stormwater associated with industrial activity and specified non-stormwater discharges, from the Suncor Energy (USA) Inc.—Commerce City Refinery to State Waters, consistent with the terms and conditions of this permit.

1. Allowable Stormwater Discharges

The following discharges are authorized under this permit:

- a. Stormwater discharges associated with the primary industrial activity (SIC code 2911) and co-located industrial activity SIC code 3599 (as defined in Appendix A), including those subject to the national stormwater-specific effluent limitation guidelines (ELGs) under 40 CFR Subchapter N listed in Table A-1 below:

Table A-1. Stormwater-specific Effluent Limitations Guidelines		
Regulated Activity	40 CFR Part/Subpart	Effluent Limit
Petroleum Refining Point Source Category	Part 419	See Part I.B.3

- b. Discharges that are not otherwise required to obtain permit authorization but are commingled with stormwater discharges that are authorized under this permit.
- c. Stormwater run-on that commingles with stormwater discharges associated with industrial activity.

2. Allowable Non-Stormwater Discharges.

The following non-stormwater discharges are authorized by this permit provided that appropriate control measures are implemented to minimize erosion and sediment transport resulting from such discharges, and the non-stormwater component(s) of the discharge and the control measure(s) used are identified in the SWMP (see Part I.G SWMP—Specific SWMP Requirements):

- a. Uncontaminated condensate from air conditioners, coolers, and other compressors and from the outside storage of refrigerated gases or liquids;
- b. Landscape watering provided all pesticides, herbicides, and fertilizer have been applied in accordance with the approved labeling;
- c. Uncontaminated spring water;
- d. Foundation or footing drains where flows are not contaminated with process materials; and
- e. Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but not intentional discharges from the cooling tower (e.g., “piped” cooling tower blowdown or drains).

3. Emergency Fire Fighting

Discharges resulting from emergency fire fighting activities are authorized by this permit.

4. Limitations on Coverage

This permit does not authorize the discharges or activities listed below.

- a. **Discharges of non-stormwater.** Discharges of non-stormwater, except those authorized non-stormwater discharges listed in Part I.A.2 are not eligible for coverage under this permit.
- b. **Stormwater Discharges Associated with Construction Activity.** Stormwater discharges associated with construction activity disturbing one acre or more are not eligible for coverage under this permit.
- c. **Discharges Currently Covered by Another Permit.** Discharges that are currently covered under an individual permit or an alternative general permit are not eligible for coverage under this permit.
- d. **Discharges Currently covered by a Division Low Risk Guidance document.** Discharges that meet the provisions of a Division Low Risk Guidance document permit are not eligible for coverage under this permit.
- e. **Stormwater Discharges Subject to Effluent Limitations Guidelines.** Discharges subject to stormwater effluent limitation guidelines (ELGs) under 40 CFR, Subchapter N other than as summarized in Part I.A.1, Table A-1, are not eligible for coverage under this permit.

5. **Chemical addition**

Stormwater discharges with chemical addition are eligible for coverage under this permit, provided that:

- a. the permittee files a request for a permit modification request for chemical addition to the Division prior to discharging industrial stormwater with chemical addition from the facility;
- b. the Division makes a determination, consistent with Part II.B.5, as to whether a permit modification is appropriate, and if so, modifies the permit.

B. EFFLUENT LIMITATIONS

All discharges authorized under this permit shall attain the effluent limitations required under this Part, and shall be monitored in accordance with the requirements of Part I.B, Part I.C and consistent with Part I.I of the permit.

1. **Permitted Feature(s)**

The permittee must obtain self-monitoring samples consistent with Part I.I of this permit from the following permitted feature(s):

Permitted Features			
ID	Type	Description	Latitude, Longitude
Outfall 004A	External Outfall	Stormwater runoff from the asphalt unit; [Suncor designation 004A]	39.804571° N, -104.941201° W
Outfall 021A	External Outfall	Constructed outlet structure at far northeast corner of 6215 Colorado Blvd. property (Nelson Property); [Suncor designation SW-1]	39.810438° N, -104.940595° W
Outfall 022A	External Outfall	Outlet from retention pond located at far northwest corner of 6215 Colorado Blvd. property; [Suncor designation SW-2]	39.810318° N, -104.943202° W
Outfall 023A	External Outfall	Potential discharge point from detention area located at west end of swale south of Sand Creek; [Suncor designation SW-3]	39.809017° N, -104.949010° W
Outfall 024A	External Outfall	Outfall from detention structure located at north end of 5800 Brighton Blvd. property (east of Brighton Blvd.); [Suncor designation SW- 4]	39.804822° N, -104.942079° W
Outfall 025A	External Outfall	High flow contingency discharge point located on the west side of Brighton Blvd., 400 feet southeast of the main gate to the 5801 Brighton Blvd. property; [Suncor designation SW- 5]	39.804025° N, -104.944022° W
Outfall 026A	External Outfall	High flow contingency discharge point associated with inlet to stormwater retention pond located at north end of 3875 E. 56th Avenue property (Mary's Pond); [Suncor designation SW- 6]	39.803760° N, -104.940982° W
Outfall 027A	External Outfall	Discharge point associated with manual pumping of accumulated stormwater in tank farm north of 56th Avenue and east of Union Pacific rail line; [Suncor	39.801156° N, -104.944370° W

		designation SW- 7]	
Outfall 028A	External Outfall	Outlet from retention structure at south end of property located approximately 1700 feet east-northeast of the intersection of Brighton Blvd. and York St.; [Suncor designation SW- 9]	39.796733° N, -104.951480° W

The above referenced location(s), located after all treatment and prior to discharge to the receiving water, are the point(s) of compliance for the effluent limitation(s) required under this Part.

In accordance with the Colorado Discharge Permit System Regulations, Section 61.8(2), 5 C.C.R. 1002-61, the permitted discharge shall not contain effluent parameter concentrations which exceed the limitations specified in Part I.B.2, 3, and 4, below.

2. **Practice-based Effluent Limitations**

(Outfalls 004A, 021A, 022A, 023A, 024A, 025A, 026A, 027A, 028A)

Practice-based limitations required by this permit include the following:

a. **Minimize Exposure**

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

b. **Good Housekeeping**

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

c. **Maintenance of Control Measures**

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

d. **Spill Prevention and Response Procedures**

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

- i) Procedures for regularly inspecting, testing, maintaining, and repairing all industrial equipment and systems to avoid situations that may result in leaks, spills, and other releases of pollutants in stormwater discharged to receiving waters.
- ii) Procedures for plainly labeling containers that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur;
- iii) Preventative measures such as barriers between material storage and traffic areas, secondary containment provisions, or procedures for material storage and handling;
- iv) Procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases. Employees who may cause, detect, or respond to a spill or leak must be trained in these procedures and have necessary spill response equipment available; and
- v) Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies. Contact information must be in locations that are readily accessible and available.

e. **Erosion and Sediment Controls**

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

f. Management of Runoff

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

g. Salt Storage Piles or Piles Containing Salt

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

h. Employee Training

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

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

i. Non-Stormwater Discharges

The permittee must eliminate non-stormwater discharges not authorized by a permit. See Part I.A.2 for a list of non-stormwater discharges authorized by this permit.

j. Waste, Garbage and Floatable Debris

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

k. Dust Generation and Vehicle Tracking of Industrial Materials.

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

3. Numeric Effluent Limitations based on Effluent Limitations Guidelines

(Outfalls 004A, 023A, 024A, 025A, 026A, 027A, 028A)

Discharges subject to the effluent limitations guideline(s) (ELG) identified in Part I.A.1, Table A-1 must meet the provisions of this Part. If a numeric effluent limit required by this Part is exceeded, the permittee must conduct corrective action(s) pursuant to Part I.J (Corrective Actions).

a. Limitations, Monitoring Frequencies and Sample Types

The permittee shall monitor all effluent parameters at the frequencies and sample types specified in Tables B-1 and B-2, below. Such monitoring must begin immediately and continue for the permit term unless otherwise noted. The results of such monitoring shall be reported on the Discharge Monitoring Report form (See Part I.K.).

Self-monitoring sampling by the permittee for compliance with the monitoring requirements specified above shall be performed at the location(s) noted in above, and in accordance with Part I.I of this permit.

Table B-1: Outfall 004A, 027A

<u>ICIS Code</u>	<u>Effluent Parameter</u>	<u>Effluent Limitations</u> <u>Maximum</u> <u>Concentrations</u>	<u>Monitoring Requirements</u>	
		<u>Daily Maximum</u>	<u>Frequency</u>	<u>Sample Type</u>
50050	Effluent Flow (MGD)	Report	Twice per discharge	Instantaneous
03582	Oil and Grease (mg/l)	15	Twice per discharge	Grab
00680	Total Organic Carbon (mg/l)	110	Twice per discharge	Grab

Table B-2: Outfalls 023A, 024A, 025A, 026A, 028A

<u>ICIS Code</u>	<u>Effluent Parameter</u>	<u>Effluent Limitations</u> <u>Maximum</u> <u>Concentrations</u>	<u>Monitoring Requirements</u>	
		<u>Daily Maximum</u>	<u>Frequency</u>	<u>Sample Type</u>
50050	Effluent Flow (MGD)	Report	Monthly	Instantaneous
03582	Oil and Grease (mg/l)	15	Monthly	Grab
00680	Total Organic Carbon (mg/l)	110	Monthly	Grab

4. Water Quality-Based Effluent Limitations

(Outfalls 004A, 021A, 022A, 023A, 024A, 025A, 026A, 027A, 028A)

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

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

C. ADDITIONAL MONITORING REQUIREMENTS**1. Visual Monitoring**

(Outfalls 004A, 021A, 022A, 023A, 024A, 025A, 026A, 027A, 028A)

Once each **quarter** for the entire permit term, the permittee must collect a stormwater sample from each outfall, and conduct a visual assessment of each of these samples.

- a. These samples should be collected in such a manner that the samples are representative of the stormwater discharge.

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- b. The visual assessment must be made of a sample in a clean, clear glass, or plastic container, and examined in a well-lit area. The permittee must visually inspect the sample for the presence of the following water quality characteristics:
- i) Color;
 - ii) Odor;
 - iii) Clarity;
 - iv) Floating solids;
 - v) Settled solids;
 - vi) Suspended solids;
 - vii) Foam;
 - viii) Oil sheen; and
 - ix) Other obvious indicators of stormwater pollution.
- c. Quarterly Visual Assessment Documentation. The permittee must document the visual assessment results and maintain this documentation onsite with the facility SWMP as required in Part I.G.8. If the permittee is unable to collect a stormwater sample because a measureable storm event does not occur during the quarter, the permittee must document this condition. The permittee is not required to submit visual assessment findings to the Division, unless specifically requested to do so. At a minimum, visual assessment documentation of the must include:
- i) Sample location(s);
 - ii) Sample collection date and time, and visual assessment date and time for each sample;
 - iii) Personnel collecting the sample and performing visual assessment, and their signatures;
 - iv) Nature of the discharge (i.e., runoff or snowmelt);
 - v) Results of observations of the stormwater discharge;
 - vi) Probable sources of any observed stormwater contamination; and
 - vii) If applicable, why it was not possible to take samples within the first 30 minutes.
- d. Quarterly Visual Assessment Corrective Actions. If the visual assessment indicates the control measures for the facility are inadequate or are not being properly operated and maintained, the permittee must conduct corrective actions consistent with Part I.J (Corrective Actions) of this permit.
- e. The permittee shall maintain visual monitoring procedures in the SWMP as required in Part I.G.8 of this permit.
2. Site-specific Benchmark Monitoring
(Outfalls 004A, 023A, 024A, 025A, 026A, 027A, 028A)

Pollutant benchmark concentrations applicable to the discharge authorized by this permit are provided in Tables C-1 and C-2, below. Applicable benchmark parameters were developed on a site-specific basis with respect to facility industrial activity and receiving water quality.

Benchmark concentrations are to be used as a tool to assess control measure effectiveness in meeting the effluent limitations contained in this permit. The benchmark concentrations are not effluent limitations; a benchmark exceedance, therefore, is not a permit violation.

<u>ICIS Code</u>	<u>Effluent Parameter</u>	<u>Benchmark Concentrations</u> ¹		<u>Monitoring Requirements</u>	
		<u>Daily Max</u>	<u>30-day Average</u>	<u>Frequency</u>	<u>Sample Type</u>
01323	Selenium, PD (ug/L)	18.4	Report	Twice per discharge	Grab
00400	pH (s.u.)	6.5-9.0	6.5-9.0	Twice per discharge	Grab
34030	Benzene (µg/l)	Report	5	Twice per discharge	Grab
22417	MTBE (µg/l)	Report	Report	Twice per discharge	Grab

¹Effective October 1, 2014, corrective actions apply to an exceedance of an applicable benchmark concentration.

Table C-2: Outfalls 023A, 024A, 025A, 026A, 028A

<u>ICIS Code</u>	<u>Effluent Parameter</u>	<u>Benchmark Concentrations</u> ¹		<u>Monitoring Requirements</u>	
		<u>Daily Max</u>	<u>30-day Average</u>	<u>Frequency</u>	<u>Sample Type</u>
01323	Selenium, PD (ug/L)	18.4	Report	Monthly	Grab
00400	pH (s.u.)	6.5-9.0	6.5-9.0	Monthly	Grab
34030	Benzene (µg/l)	Report	5	Monthly	Grab
22417	MTBE (µg/l)	Report	Report	Monthly	Grab

¹Effective October 1, 2014, corrective actions apply to an exceedance of an applicable benchmark concentration.

a. Averaging monitoring values

Permittees must calculate average concentrations in accordance with the requirements of Part I.I.6 of this permit.

b. Benchmark Monitoring Actions

Effective October 1, 2014, when the discharge exceeds an applicable benchmark concentration, the permittee must conduct corrective actions consistent with Part I.J (Corrective Actions) of this permit. Failure to respond to benchmark value exceedances is a violation of the permit. Corrective actions must be conducted each time the discharge exceeds an applicable benchmark concentration, unless the Division waives the requirement for additional monitoring and corrective action.

c. Natural background pollutant levels

Following the first 12 months of benchmark monitoring, if the permittee determines that exceedance of the benchmark is attributable solely to the presence of that pollutant in the natural background, the permittee may request that the Division waive the requirement to perform corrective action or additional benchmark monitoring.

Natural background pollutants include those substances that are naturally occurring in soils. Natural background pollutants **do not** include legacy pollutants from earlier activity on the site, or pollutants in run-on from neighboring sources which are not naturally occurring.

D. PERMIT COMPLIANCE

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

E. CONTROL MEASURES

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

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

1. Installation and implementation specifications

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

2. Maintenance of Control Measures and Associated Documentation

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

F. STORMWATER MANAGEMENT PLAN (SWMP)—General SWMP Requirements

The General SWMP requirements contained in this section address administrative requirements of the SWMP, as opposed to the specific SWMP content requirements provided in Part I.G of the permit. **The permittee shall modify the existing facility SWMP to comply with the requirements of this permit within 90 days of the permit effective date.**

1. **SWMP requirement:** The permittee must develop, implement, and maintain a SWMP for each facility authorized by this permit. The SWMP shall be prepared in accordance with good engineering, hydrologic and pollution control practices (the SWMP need not be prepared by a registered engineer). The permittee must modify the SWMP to reflect current site conditions (see Part I.F.7 below).
2. **Submission and Implementation:** The permittee must submit the SWMP to the Division if requested. The permittee must implement the SWMP when the facility begins industrial activities, which includes installation of control measures.
3. **Signatory Requirements:** The permittee must sign and the SWMP in accordance with Part I.K (Reports and Recordkeeping); this requirement applies to the original SWMP prepared for the facility, **and** each time the permittee modifies a SWMP as required by Part I.F.7, below.

4. Permit Retention: The permittee must maintain a copy of this permit with the SWMP.
5. SWMP Retention: The permittee must retain a copy of the SWMP at the facility unless another location, specified by the permittee, is approved by the Division.
6. Consistency with Other Plans: The permittee may incorporate, by reference, applicable portions of plans prepared for other purposes at their facility. Plans or portions of plans incorporated by reference into a SWMP become enforceable requirements of this permit and must be available along with the SWMP as required in Part.I.F.5 above.
7. Required SWMP Modifications:
 - a. *Division initiated*:
 - i) The permittee must modify the SWMP when notified by the Division that it does not meet one or more of the requirements of this permit. Unless otherwise provided by the Division, the permittee shall have 30 days after notification to make the necessary changes to the SWMP and implement them.
 - ii) The Division may require the permittee to submit the modified SWMP to the Division.
 - iii) If the Division determines that the permittee's stormwater discharges do not, or may not, achieve the effluent limits required by this permit, the Division may require the permittee, within a specified time period, to develop and implement a supplemental control measure action plan, which describes additional SWMP modifications to adequately address the identified water quality concerns.
 - b. *Permittee initiated*:
 - i) The permittee must modify the SWMP whenever necessary to address any of the triggering conditions for corrective action in Part I.J (Corrective Actions) to ensure that they do not reoccur.
 - ii) The permittee must modify the SWMP whenever there is a change in design, construction, operation, or maintenance at the facility that significantly changes the nature of pollutants discharged in stormwater from the facility, significantly increases the quantity of pollutants discharged, or that requires the permittee to implement new or modified control measures.
 - iii) The SWMP modifications may include a schedule for control measure design and implementation, provided that interim control measures needed to comply with the permit are documented in the SWMP and implemented during the design period.
 - iv) The permittee must make all SWMP modifications in accordance with the corrective action deadlines in Part I.J (Corrective Actions).

G. STORMWATER MANAGEMENT PLAN (SWMP)—Specific SWMP Requirements

The SWMP shall contain the elements described in this section.

1. SWMP Administrator

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

2. Facility Description

The facility description shall include:

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

3. **Facility Map**

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

- a. The location of the facility in relation to surface waters that receive industrial stormwater discharges from the facility (including the name of the surface water; if the name is not known, indicate that on the map); a separate vicinity map may be necessary to comply with this requirement;
- b. Location of significant impervious surfaces within the facility property boundaries, including paved areas and buildings;
- c. The locations of all facility stormwater conveyances including ditches, pipes, and swales;
- d. The locations of stormwater inlets and outfalls, with a unique identification code for each outfall (e.g., Outfall No. 1, No. 2, etc), and an approximate outline of the areas draining to each outfall;
- e. Directions of stormwater flow indicated by arrows;
- f. The areas where industrial activities are conducted, where such activities are exposed to precipitation;
- g. Locations of all pollutant sources (actual or potential) associated with specific industrial activities as identified under Part I.G.4;
- h. Location of all structural and applicable non-structural control measures used to meet the effluent limits required by this permit;
- i. Locations where significant spills or leaks identified under Part I.G.4.b have occurred;
- j. Locations of all stormwater monitoring points applicable to the facility.
- k. Location and description of any non-stormwater discharges authorized in Part I.A.2, emergency fire fighting discharges authorized in Part I.A.3, or authorized by separate permit coverage.
- l. Locations and sources of run-on to the facility from adjacent property that contains significant quantities of pollutants.

4. **Facility Inventory and Assessment of Pollutant Sources**

The facility inventory and assessment shall include the following:

a. Inventory of facility activities and equipment

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

- i) Loading and unloading of materials, including solids and liquids.
- ii) Outdoor storage of materials or products, including solids and liquids.
- iii) Outdoor manufacturing and processing.
- iv) On-site dust or particulate generating processes, including dust collection devices and vents.
- v) On-site waste treatment, storage, or disposal, including waste ponds and solid waste management units.
- vi) Vehicle and equipment fueling, maintenance, and/or cleaning (includes washing).
- vii) Immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility.
- viii) Roofs or other surfaces exposed to air emissions from a manufacturing building or a process area, including vents and stacks from metal processing and similar operations.

- ix) Roofs and associated surfaces composed of galvanized materials that may be mobilized by stormwater (e.g., roofs, ducts, heating/air conditioning equipment, gutters and downspouts).

b. Inventory of materials

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

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

c. Assessment of potential pollutant sources

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

5. Description of Control Measures

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

6. Additional Control Measure Requirements

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

- a. Good Housekeeping (see Part I.B.2.b) – A schedule for regular pickup and disposal of waste materials, along with routine inspections for leaks and conditions of drums, tanks and containers.
- b. Maintenance (see Part I.B.2.c) – Preventative maintenance schedules for industrial equipment and systems; control measures; and any back-up practices in place should a runoff event occur while a control measure is off-line.
- c. Spill Prevention and Response Procedures (see Part I.B.2.d) – Procedures for preventing, responding to, and reporting spills and leaks. The permittee may reference other plans (e.g., a Spill Prevention Control and Countermeasure (SPCC) plan) otherwise required by a permit for the facility, provided that a copy of the other plan is kept onsite with the SWMP, and made available for review consistent with Part I.F (SWMP—General SWMP Requirements).
- d. Employee Training (see Part I.B.2.h) – A schedule for all types of training required by this permit, content of the training, and log of the dates on which specific employees received training.

- e. Non-Stormwater Discharges (see Part I.B.2.i) – Documentation of the stormwater conveyance system evaluation for the presence of non-stormwater discharges not authorized in Part I.A.2, and the elimination of all unauthorized discharges. Documentation of the evaluation must include:
- i) The date of any evaluation;
 - ii) A description of the evaluation criteria used;
 - iii) A list of the outfalls or onsite drainage points that were directly observed during the evaluation;
 - iv) The different types of non-stormwater discharge(s) and source locations; and
 - v) The action(s) taken, such as a list of control measures used to eliminate unauthorized discharge(s), if any were identified.

7. Inspection Procedures and Documentation

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

- a. The permittee shall document procedures for performing the facility inspections required by Part I.H (Inspections) of the permit. Procedures must identify:
 - i) Person(s) or positions of person(s) responsible for inspection;
 - ii) Schedules for conducting inspections; and
 - iii) Specific items to be covered by the inspection, including inspection schedules for specific outfalls.
- b. The permittee shall maintain inspection documentation with the SWMP as required by Part I.H (Inspections) of this permit.

8. Monitoring Procedures and Documentation

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

- a. The permittee shall document procedures for performing the monitoring required by the permit.
- b. For each type of monitoring, procedures must identify:
 - i) Locations where samples are collected, and outfall identification by its unique identifying number;
 - ii) Staff responsible for conducting stormwater sampling;
 - iii) Procedures for sample collection and handling, including any deviations from sampling within the first 30 minutes of a measurable storm event (see Part I.I.5);
 - iv) Parameters for analysis, holding times and preservatives, analytical methods, and laboratory quantitation levels;
 - v) Procedures for sending samples to a laboratory;
 - vi) The numeric control values (benchmarks, effluent limitations guidelines, TMDL-related requirements, or other requirements) applicable to discharges from each outfall.
- c. Permittees must maintain Quarterly Visual Assessment documentation (see Part I.C.1) with the SWMP.

9. Corrective Action Documentation

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

H. INSPECTIONS

1. **Inspection Frequency and Personnel**

- a. The permittee shall conduct and document visual inspections of the facility at least **monthly**. Inspections shall be conducted at least 10 days apart.
- b. The permittee shall conduct a minimum of one (1) inspection per calendar year during a runoff event, which for a rain event means during, or within 24 hours after the end of, a measurable storm event (as defined in Appendix A); and for a snowmelt event, means at a time when a measurable discharge occurs from the facility.
- c. The permittee shall ensure that inspections are conducted by qualified personnel.

2. **Inspection Scope**

Each inspection shall include:

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

3. **Inspection Documentation**

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

- a. The inspection date and time;
- b. Locations inspected;
- c. Weather information and a description of any discharges occurring at the time of the inspection;
- d. A statement that, in the judgment of 1) the person conducting the site inspection, and 2) the person described in Part I.K.6 (Reports and Recordkeeping), the site is either in compliance or out of compliance with the terms and conditions of this permit, with respect to Part I.H.2 (Inspection Scope);

- e. A summary report and a schedule of implementation of the corrective actions that the permittee has taken or plans to take if the site inspection indicates that the site is out of compliance;
- f. Name, title, and signature of the person conducting site inspection; and the following statement: “I certify that this report is true, accurate, and complete, to the best of my knowledge and belief.”;
- g. Certification and signature of the person described in Part I.K.6 (Reports and Recordkeeping), or a duly authorized representative of the facility thereof.

4. **Non-Compliance discovered during inspection**

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

I. GENERAL MONITORING REQUIREMENTS

All permittees must collect and analyze stormwater samples and document monitoring activities consistent with the procedures described in Part I.I. The results of such monitoring shall be reported on the Discharge Monitoring Report form (see Part I.K – Reporting and Recordkeeping).

1. **Monitored Outfalls**

Applicable monitoring requirements apply to each outfall authorized by this permit.

2. **Representative Sampling**

Samples and measurements taken as required herein shall be representative of the nature of the monitored discharge.

3. **Measurable Storm Events.**

- a. Rain event. Permittees must conduct all required monitoring on a storm event that results in an actual discharge from the facility (“measurable storm event”), and that follows the preceding measurable storm event by at least 72 hours (3 days).
- b. Snowmelt event. The permittee must conduct snowmelt monitoring at a time when a measurable discharge occurs from the facility.

4. **Storm Event Information**

- a. Rain event. The permittee must document the information below for each monitored event. Such documentation is not required for events that do not meet the criteria in Part I.I.4, or that are not monitored to meet the requirements of this permit.
 - i) The date, time of the start of the discharge, time of sampling, duration (in hours) of the rainfall event, and magnitude (in inches) of the storm event sampled;
 - ii) The duration between the storm event sampled and the end of the most recent storm event that produced a discharge.
- b. Snowmelt monitoring. The permittee must document the date of the sampling event for each monitored snowmelt event.

5. **Sample Type and Requirements**

- a. Grab samples shall be used for all monitoring and shall not be combined.
- b. Permittees must take a minimum of one grab sample from a discharge resulting from a measurable storm event.
- c. Grab samples must be collected within the first 30 minutes of a measurable storm event (see Part I.I.3). If it is not possible to collect the sample within the first 30 minutes of a measurable storm event, the sample must be collected as soon as practicable after the first 30 minutes, and documentation must be kept with the SWMP explaining why it was not possible to take samples within the first 30 minutes.
- d. In the case of snowmelt, samples must be taken during a period with a measurable discharge.
- e. All discharge samples at a facility must be taken during the same storm event, if feasible.

6. Analytical Requirements

All sampling shall be performed by the permittee according to specified methods in 40 CFR Part 136; methods approved by EPA pursuant to 40 CFR Part 136; or methods approved by the Division, in the absence of a method specified in or approved pursuant to 40 CFR Part 136.

- a. If the permit contains a numeric effluent limit for a parameter, the analytical method and PQL selected for all monitoring conducted in accordance with this permit for that parameter shall be the one that can measure at or below the numeric effluent limit. If all specified analytical methods and corresponding PQLs are greater than the numeric effluent limit, then the analytical method with the lowest PQL shall be used.
- b. If the permit contains a report only requirement for a parameter, the analytical method and PQL chosen shall be one that can measure at or below the benchmark, or water quality standard, or other level approved by the Division. If all analytical methods and corresponding PQLs are greater than the benchmark, or water quality standard, or other level, then the analytical method with the lowest PQL shall be used.
- 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 analytical method and PQL chosen for all monitoring conducted in accordance with this permit for the parameter shall be one that can measure to the final numeric effluent limit. If all analytical methods and corresponding PQLs are greater than the final numeric effluent limit (s), then the analytical method with the lowest PQL shall be used.
- d. For parameters such as TIN, the analytical methods chosen shall be those that can measure to the potential or final numeric effluent limit, based on the sum of the PQLs for nitrate, nitrite and ammonia.
- e. When the analytical method which complies with the above requirements has a PQL greater than the permit limit, and the permittee's analytical result is less than the PQL, the permittee shall report "BDL" on the DMR. Such reports will not be considered as violations of the permit limit, as long as the lowest available PQL is used for the analysis. When the analytical method which complies with the above requirements has a PQL that is equal to or less than the permit limitation, and the permittee's analytical result is less than the PQL, "< X" (where X = the actual PQL achieved by the laboratory) shall be reported on the DMR. For parameters that have a report only limitation, and the permittee's analytical result is less than the PQL, "< X" (where X = the actual PQL achieved by the laboratory) shall be reported on the DMR.
- f. In the calculation of average concentrations (i.e. 7- day average, 30-day average, 2-year rolling average) any individual analytical result that is less than the PQL shall be considered to be zero for the calculation purposes. When reporting:

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

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

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

- g. The present lowest PQLs for specific parameters, as determined by the State Laboratory (November 2008) are provided below. If the analytical method cannot achieve a PQL that is less than or equal to the permit limit, then the method, or a more precise method, must achieve a PQL that is less than or equal to the PQL in the Table H-1 below. A listing of the PQLs for organic parameters that must meet the above requirement can be found in the Division's Practical Quantitation Limitation Guidance Document, July 2008.

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

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

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

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

7. Adverse Weather Conditions

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

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

8. Monitoring Periods

Monitoring requirements in this permit begin in the first full month following the permit effective date.

9. Additional Monitoring

If the permittee, using an approved analytical method, monitors any parameter more frequently than required by this permit, then the results of such monitoring shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report Form (DMRs) or other forms as required by the Division. Such increased frequency shall also be indicated.

10. Monitoring for Allowable Non-Stormwater Discharges

A permittee is only required to monitor allowable non-stormwater discharges (see Part I.A.2) when they are commingled with stormwater discharges associated with industrial activity.

J. CORRECTIVE ACTIONS

1. Conditions that must be Eliminated

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

- a. an unauthorized release or discharge (e.g., spill, leak, or discharge of non-stormwater not authorized by this [see Part I.A] or another permit) occurs;
- b. a discharge violates a numeric effluent limit (see Part I.B.3);
- c. facility control measures are not stringent enough for the discharge to meet applicable water quality standards;
- d. modifications to the facility control measures are necessary to meet the practice-based effluent limits in this permit; or
- e. the permittee finds in a facility inspection, that facility control measures are not properly selected, designed, installed, operated or maintained.

2. Conditions that Require Review and Modification

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

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

3. **Corrective Action Reports and Deadlines**

The permittee must document discovery of any condition listed in Parts I.J.1 and I.J.2 above, within 24 hours and 5 days as described below, submit the documentation in an annual report as required in Part I.K (Reports and Recordkeeping), and retain a copy onsite with the facility SWMP as required in Part I.G (SWMP-Specific SWMP Requirements).

a. **24 hour documentation requirement:**

Within 24 hours of discovery of any condition listed in Parts I.J.1 and I.J.2, the permittee must document the following information:

- i) Identification of the condition triggering the need for corrective action review;
- ii) Description of the problem identified; and
- iii) Date the problem was identified.

b. **Five (5) day documentation requirement:**

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

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

4. **Control measure modification**

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

K. REPORTING AND RECORDKEEPING

1. **Routine Reporting of Data- Discharge Monitoring Report**

The permittee shall report the data gathered in compliance with Parts I.B and I.C on a **monthly** basis. Reporting of all data gathered shall comply with the requirements of Part I.I. (General Monitoring Requirements) and Part I.K (Reports and Recordkeeping) of this permit. The permittee shall summarize monitoring results for each month and report on Division approved discharge monitoring report (DMR) forms (EPA form 3320-1).

The permittee must submit these forms either by mail, or by using the Division's Net-DMR service. If mailed, one form shall be mailed to the Division, as indicated below, so that the DMR is received no later than the 28th day of the following month (for example, the DMR for the first calendar quarter must be received by the Division by April 28th). If no discharge occurs during the reporting period, "**No Discharge**" shall be reported on the DMR.

The signed copy of each discharge monitoring report (DMR) shall be submitted to the Division at the following address:

Water Quality Control Division
WQCD-P-B2
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

The Discharge Monitoring Report forms shall be filled out accurately and completely in accordance with requirements of this permit and the instructions on the forms. They shall be signed by an authorized person as identified in Part I.K.6.

2. **Annual Report**

The permittee must submit an annual report to the Division for the reporting period January 1 through December 31. Annual reports must be received by the Division by **February 30** of the following year. The Annual Report shall include:

- Name of permittee, address, phone number
- Permit certification number
- Facility name and physical address
- Contact person name, title, and phone number
- Summary of inspection dates
- Corrective action documentation as required in Part I.J., and status of any outstanding corrective action(s).

The signed copy of each annual report shall be submitted to the Division at the address below, and a copy maintained with the SWMP.

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

3. **Additional Reporting**

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

4. **SWMP Records**

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

5. **Sampling Records**

The permittee shall establish and maintain records. Those records shall include the following:

- a. The date, type, exact location, and time of sampling or measurements;
- b. The individual(s) who performed the sampling or measurements;
- c. The date(s) the analyses were performed;
- d. The individual(s) who performed the analyses;
- e. The analytical techniques or methods used;
- f. The results of such analyses; and
- g. Any other observations which may result in an impact on the quality or quantity of the discharge as indicated in 40 CFR 122.44 (i)(1)(iii).

The permittee shall retain for a minimum of three (3) years records of all monitoring information, including all original strip chart recordings for continuous monitoring instrumentation, all calibration and maintenance records, copies of all reports required by this permit and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the permittee or when requested by the Division or EPA.

6. Signatory and Certification Requirements

- a. All reports and other information required by the Division, shall be signed and certified for accuracy by the permittee in accord with the following criteria:
 - i) In the case of corporations, by a responsible corporate officer. For purposes of this section, the responsible corporate officer is responsible for the overall operation of the facility from which the discharge described in the form originates;
 - ii) In the case of a partnership, by a general partner;
 - iii) In the case of a sole proprietorship, by the proprietor;
 - iv) In the case of a municipal, state, or other public facility, by either a principal executive officer, or ranking elected official. For purposes of this section, a principal executive officer has responsibility for the overall operation of the facility from which the discharge originates;
 - v) By a duly authorized representative of a person described above, only if:
 - 1) The authorization is made in writing by a person described in i, ii, iii, or iv above;
 - 2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and,
 - 3) The written authorization is submitted to the Division.
- b. If an authorization as described in this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of this section must be submitted to the Division prior to or together with any reports, information, or applications to be signed by an authorized representative.

The permittee, or the duly authorized representative shall make and sign the following certification on all such documents:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

L. OTHER TERMS AND CONDITIONS

1. All dischargers must comply with the lawful requirements of counties, drainage districts and other state or local agencies regarding any discharges of stormwater to storm drain systems or other water courses under their jurisdiction.
2. Reporting to Municipality – Any permitted facility discharging to a municipal storm sewer shall provide the municipality with a copy of the permit application, and/or Annual Reports, upon request. A copy of the SWMP shall also be provided to the municipality upon request.

PART II

A. NOTIFICATION REQUIREMENTS

1. Notification to Parties

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

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

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

- b. Written notification shall be to:

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

2. Change in Discharge

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

- a. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged, or;
- b. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported pursuant to an approved land application plan.

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

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

3. Special Notifications - Definitions

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

include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

4. Noncompliance Notification

- a. If, for any reason, the permittee does not comply with or will be unable to comply with any discharge limitations or standards specified in this permit, the permittee shall, at a minimum, provide the Division with the following information:
 - i) A description of the discharge and cause of noncompliance;
 - ii) The period of noncompliance, including exact dates and times and/or the anticipated time when the discharge will return to compliance; and
 - iii) Steps being taken to reduce, eliminate, and prevent recurrence of the noncomplying discharge.
- b. The permittee shall report the following circumstances **orally within twenty-four (24) hours** from the time the permittee becomes aware of the circumstances, and shall mail to the Division a written report containing the information requested in Part II.A.4.a above, **within five (5) working days** after becoming aware of the following circumstances:
 - i) Circumstances leading to any noncompliance which may endanger health or the environment regardless of the cause of the incident;
 - ii) Circumstances leading to any unanticipated bypass which exceeds any effluent limitations in the permit;
 - iii) Circumstances leading to any upset which causes an exceedance of any effluent limitation in the permit;
 - iv) Daily maximum violations for any of the pollutants limited by Part I.D.3 of this permit and specified as requiring 24-hour notification. This includes any toxic pollutant or hazardous substance or any pollutant specifically identified as the method to control any toxic pollutant or hazardous substance.
- c. Unless otherwise indicated in this permit, the permittee shall report instances of non-compliance which are not required to be reported within 24-hours at the time Discharge Monitoring Reports are submitted. The reports shall contain the information listed in sub-paragraph (a) of this section.

5. Other Notification Requirements

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

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

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

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

- a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - i) One hundred micrograms per liter (100 µg/l);

- ii) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol; and one milligram per liter (1.0 mg/l) for antimony;
 - iii) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with Section 61.4(2)(g).
 - iv) The level established by the Division in accordance with 40 C.F.R. § 122.44(f).
- b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
- i) Five hundred micrograms per liter (500 µg/l);
 - ii) One milligram per liter (1 mg/l) for antimony; and
 - iii) Ten (10) times the maximum concentration value reported for that pollutant in the permit application.
 - iv) The level established by the Division in accordance with 40 C.F.R. § 122.44(f).

6. **Bypass Notification**

If the permittee knows in advance of the need for a bypass, a notice shall be submitted, at least ten (10) calendar days before the date of the bypass, to the Division. The bypass shall be subject to Division approval and limitations imposed by the Division. Violations of requirements imposed by the Division will constitute a violation of this permit.

7. **Upsets**

a. Effect of an Upset

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

b. Conditions Necessary for a Demonstration of Upset

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

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

In addition to the demonstration required above, a permittee who wishes to establish the affirmative defense of upset for a violation of effluent limitations based upon water quality standards shall also demonstrate

through monitoring, modeling or other methods that the relevant standards were achieved in the receiving water.

c. Burden of Proof

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

8. Discharge Point

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

9. Proper Operation and Maintenance

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

10. Minimization of Adverse Impact

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

11. Removed Substances

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

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

12. Submission of Incorrect or Incomplete Information

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

13. Bypass

- a. Bypasses are prohibited and the Division may take enforcement action against the permittee for bypass, unless:
 - i) The bypass is unavoidable to prevent loss of life, personal injury, or severe property damage;
 - ii) There were no feasible alternatives to bypass such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

- iii) Proper notices were submitted in compliance with Part II.A.4.
- b. "Severe property damage" as used in this Subsection means substantial physical damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- c. The permittee may allow a bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance or to assure optimal operation. These bypasses are not subject to the provisions of paragraph (a) above.
- d. The Division may approve an anticipated bypass, after considering adverse effects, if the Division determines that the bypass will meet the conditions specified in paragraph (a) above.

14. Reduction, Loss, or Failure of Treatment Facility

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

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

B. RESPONSIBILITIES

1. Inspections and Right to Entry

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

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

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

2. Duty to Provide Information

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

3. Transfer of Ownership or Control

- a. Except as provided in paragraph b. of this section, a permit may be transferred by a permittee only if the permit has been modified or revoked and reissued as provided in Section 61.8(8) of the Colorado Discharge Permit System Regulations, to identify the new permittee and to incorporate such other requirements as may be necessary under the Federal Act.
- b. A permit may be automatically transferred to a new permittee if:
 - i) The current permittee notifies the Division in writing 30 days in advance of the proposed transfer date; and
 - ii) The notice includes a written agreement between the existing and new permittee(s) containing a specific date for transfer of permit responsibility, coverage and liability between them; and
 - iii) The Division does not notify the existing permittee and the proposed new permittee of its intent to modify, or revoke and reissue the permit.
 - iv) Fee requirements of the Colorado Discharge Permit System Regulations, Section 61.15, have been met.

4. Availability of Reports

Except for data determined to be confidential under Section 308 of the Federal Clean Water Act and the Colorado Discharge Permit System Regulations 5 CCR 1002-61, Section 61.5(4), all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Division and the Environmental Protection Agency.

The name and address of the permit applicant(s) and permittee(s), permit applications, permits and effluent data shall not be considered confidential. Knowingly making false statement on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the Federal Clean Water Act, and Section 25-8-610 C.R.S.

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

The filing of a request by the permittee for a permit modification, revocation and reissuance, termination or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

- a. A permit may be modified, suspended, or terminated in whole or in part during its term for reasons determined by the Division including, but not limited to, the following:
 - i) Violation of any terms or conditions of the permit;
 - ii) Obtaining a permit by misrepresentation or failing to disclose any fact which is material to the granting or denial of a permit or to the establishment of terms or conditions of the permit; or
 - iii) Materially false or inaccurate statements or information in the permit application or the permit.
 - iv) A determination that the permitted activity endangers human health or the classified or existing uses of state waters and can only be regulated to acceptable levels by permit modifications or termination.

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- b. A permit may be modified in whole or in part for the following causes, provided that such modification complies with the provisions of Section 61.10 of the Colorado Discharge Permit System Regulations:
- i) There are material and substantial alterations or additions to the permitted facility or activity which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit.
 - ii) The Division has received new information which was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and which would have justified the application of different permit conditions at the time of issuance. For permits issued to new sources or new dischargers, this cause includes information derived from effluent testing required under Section 61.4(7)(e) of the Colorado Discharge Permit System Regulations. This provision allows a modification of the permit to include conditions that are less stringent than the existing permit only to the extent allowed under Section 61.10 of the Colorado Discharge Permit System Regulations.
 - iii) The standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued. Permits may be modified during their terms for this cause only as follows:
 - (A) The permit condition requested to be modified was based on a promulgated effluent limitation guideline, EPA approved water quality standard, or an effluent limitation set forth in 5 CCR 1002-62, § 62 et seq.; and
 - (B) EPA has revised, withdrawn, or modified that portion of the regulation or effluent limitation guideline on which the permit condition was based, or has approved a Commission action with respect to the water quality standard or effluent limitation on which the permit condition was based; and
 - (C) The permittee requests modification after the notice of final action by which the EPA effluent limitation guideline, water quality standard, or effluent limitation is revised, withdrawn, or modified; or
 - (D) For judicial decisions, a court of competent jurisdiction has remanded and stayed EPA promulgated regulations or effluent limitation guidelines, if the remand and stay concern that portion of the regulations or guidelines on which the permit condition was based and a request is filed by the permittee in accordance with this Regulation, within ninety (90) days of judicial remand.
 - iv) The Division determines that good cause exists to modify a permit condition because of events over which the permittee has no control and for which there is no reasonable available remedy.
 - v) The permittee has received a variance.
 - vi) When required to incorporate applicable toxic effluent limitation or standards adopted pursuant to § 307(a) of the Federal act.
 - vii) When required by the reopener conditions in the permit.
 - viii) As necessary under 40 C.F.R. 403.8(e), to include a compliance schedule for the development of a pretreatment program.
 - ix) When the level of discharge of any pollutant which is not limited in the permit exceeds the level which can be achieved by the technology-based treatment requirements appropriate to the permittee under Section 61.8(2) of the Colorado Discharge Permit System Regulations.
 - x) To establish a pollutant notification level required in Section 61.8(5) of the Colorado Discharge Permit System Regulations.

- x) To correct technical mistakes, such as errors in calculation, or mistaken interpretations of law made in determining permit conditions, to the extent allowed in Section 61.10 of the Colorado State Discharge Permit System Regulations.
 - xii) When required by a permit condition to incorporate a land application plan for beneficial reuse of sewage sludge, to revise an existing land application plan, or to add a land application plan.
 - xiii) For any other cause provided in Section 61.10 of the Colorado Discharge Permit System Regulations.
- c. At the request of a permittee, the Division may modify or terminate a permit and issue a new permit if the following conditions are met:
- i) The Regional Administrator has been notified of the proposed modification or termination and does not object in writing within thirty (30) days of receipt of notification,
 - ii) The Division finds that the permittee has shown reasonable grounds consistent with the Federal and State statutes and regulations for such modifications or termination;
 - iii) Requirements of Section 61.15 of the Colorado Discharge Permit System Regulations have been met, and
 - iv) Requirements of public notice have been met.
- d. Permit modification (except for minor modifications), termination or revocation and reissuance actions shall be subject to the requirements of Sections 61.5(2), 61.5(3), 61.6, 61.7 and 61.15 of the Colorado Discharge Permit System Regulations. The Division shall act on a permit modification request, other than minor modification requests, within 180 days of receipt thereof. Except for minor modifications, the terms of the existing permit govern and are enforceable until the newly issued permit is formally modified or revoked and reissued following public notice.
- e. Upon consent by the permittee, the Division may make minor permit modifications without following the requirements of Sections 61.5(2), 61.5(3), 61.7, and 61.15 of the Colorado Discharge Permit System Regulations. Minor modifications to permits are limited to:
- i) Correcting typographical errors; or
 - ii) Increasing the frequency of monitoring or reporting by the permittee; or
 - iii) Changing an interim date in a schedule of compliance, provided the new date of compliance is not more than 120 days after the date specific in the existing permit and does not interfere with attainment of the final compliance date requirement; or
 - iv) Allowing for a transfer in ownership or operational control of a facility where the Division determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between the current and new permittees has been submitted to the Division; or
 - v) Changing the construction schedule for a discharger which is a new source, but no such change shall affect a discharger's obligation to have all pollution control equipment installed and in operation prior to discharge; or
 - vi) Deleting a point source outfall when the discharge from that outfall is terminated and does not result in discharge of pollutants from other outfalls except in accordance with permit limits.

- f. When a permit is modified, only the conditions subject to modification are reopened. If a permit is revoked and reissued, the entire permit is reopened and subject to revision and the permit is reissued for a new term.
- g. The filing of a request by the permittee for a permit modification, revocation and reissuance or termination does not stay any permit condition.
- h. All permit modifications and reissuances are subject to the antibacksliding provisions set forth in 61.10(e) through (g).

6. **Oil and Hazardous Substance Liability**

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

7. **State Laws**

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

8. **Permit Violations**

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

9. **Property Rights**

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

10. **Severability**

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

11. **Renewal Application**

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

12. **Confidentiality**

Any information relating to any secret process, method of manufacture or production, or sales or marketing data which has been declared confidential by the permittee, and which may be acquired, ascertained, or discovered, whether in any sampling investigation, emergency investigation, or otherwise, shall not be publicly disclosed by any

member, officer, or employee of the Commission or the Division, but shall be kept confidential. Any person seeking to invoke the protection of this Subsection (12) shall bear the burden of proving its applicability. This section shall never be interpreted as preventing full disclosure of effluent data.

13. **Fees**

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

14. **Duration of Permit**

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

15. **Section 307 Toxics**

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

16. **Effect of Permit Issuance**

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

Appendix A. Definitions and Abbreviations

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

Co-located Industrial Activities – Any industrial activities, excluding the primary industrial activity(ies), located on-site that are defined by the stormwater regulations at 5 CCR 1002-61.3(2). An activity at a facility is not considered co-located if the activity, when considered separately, does not meet the description of a category of industrial activity covered by the stormwater regulations or identified by the SIC code list in Appendix A.

Continuous measurement – 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.

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

Daily Maximum limitation – for all parameters except temperature, means the limitation for this parameter shall be applied as an instantaneous maximum (or, for pH or DO, instantaneous minimum) value. The instantaneous value is defined as the analytical result of any individual sample. DMRs shall include the maximum (and/or minimum) of all instantaneous values within the calendar month. Any instantaneous value beyond the noted daily maximum limitation for the indicated parameter shall be considered a violation of this permit.

Discharge – when used without qualification, means the "discharge of a pollutant." See 5 CCR 1002-61.2(22).

Discharge of a pollutant – the introduction or addition of a pollutant into state waters. See 25-8-103(3) C.R.S.

Good Engineering, Hydrologic and Pollution Control Practices – methods, procedures, and practices that a) are based on basic scientific fact(s); b) reflect best industry practices and standards; c) are appropriate for the conditions and pollutant sources; and d) provide appropriate solutions to meet the associated permit requirements, including all effluent limitations.

Grab sample – a single "dip and take" sample so as to be representative of the parameter being monitored.

Industrial Activity – the 10 categories of industrial activities included in the definition of “stormwater discharges associated with industrial activity” as defined in 5 CCR 1002-61.3(2).

Industrial Stormwater – stormwater runoff from industrial activity.

Instantaneous measurement – a single reading, observation, or measurement performed on site using existing monitoring facilities.

Material handling activities – the storage, loading and unloading, transportation, disposal, or conveyance of any raw material, intermediate product, final product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with stormwater drained from the above described areas.

Measurable storm event – a storm event that results in an actual discharge from the facility.

Minimize – reduce and/or eliminate to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practice.

New Discharger – means any building, structure, facility, or installation from which there is or may be a discharge of pollutants that did not commence at the particular site before August 13, 1979, that is not a new source, and that has never received a final effective permit for discharges at the site. See 5 CCR 1002-61.2(65).

Operator – any entity with a stormwater discharge associated with industrial activity that meets either of the following two criteria:

- (i) The entity has operational control over industrial activities, including the ability to modify those activities; or
- (ii) The entity has day-to-day operational control of activities at a facility necessary to ensure compliance with the permit (e.g., the entity is authorized to direct workers at a facility to carry out activities required by the permit).

Person – an individual, corporation, partnership, association, state or political subdivision thereof, federal agency, state agency, municipality, Commission, or interstate body. See 5 CCR 1002-61.2(73).

Point source – any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. "Point Source" does not include irrigation return flow. See 5 CCR 1002-61.2(75).

Pollutant – dredged spoil, dirt, slurry, solid waste, incinerator residue, sewage, sewage sludge, garbage, trash, chemical waste, biological nutrient, biological material, radioactive material, heat, wrecked or discarded equipment, rock, sand, or any industrial, municipal or agricultural waste. See 5 CCR 1002-61.2(76).

Potentially dissolved (PD) metals fraction – 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.

Practical Quantitation Limit (PQL) – the minimum concentration of an analyte (substance) that can be measured with a high degree of confidence that the analyte is present at or above that concentration. The use of PQL in this document may refer to those PQLs shown in Part I.D of this permit or the PQLs of an individual laboratory.

Primary industrial activity – includes any activities performed on-site which are (1) identified by the facility's primary SIC code; or (2) included in the narrative descriptions of 5 CCR 1002-61.3(2). [For co-located activities covered by multiple SIC codes, it is recommended that the primary industrial determination be based on the value of receipts or revenues or, if such information is not available for a particular facility, the number of employees or production rate for each process may be compared. The operation that generates the most revenue or employs the most personnel is the operation in which the facility is primarily engaged. In situations where the vast majority of on-site activity falls within one SIC code, that activity may be the primary industrial activity.]

Qualified Personnel – Qualified personnel are those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at a facility, and who can also evaluate the effectiveness of control measures.

Quarterly measurement frequency – 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.

Significant materials – includes, but is not limited to raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of CERCLA as amended by SARA (1986); any chemical the facility is required to report pursuant to Section 313 of Title III of SARA (1986); fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharges. See 5 CCR 1002-61.2(76).

Significant spills and leaks – include, but are not limited to, releases of oil or hazardous substances in excess of quantities that are reportable under CWA Section 311 (see 40 CFR 110.6 and 40 CFR 117.21) or Section 102 of the

Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 USC §9602. This permit does not relieve the permittee of the reporting requirements of 40 CFR 110, 40 CFR 117, and 40 CFR 302 relating to spills or other releases of oils or hazardous substances.

Stormwater – stormwater runoff, snow melt runoff, and surface runoff and drainage. See 5 CCR 1002-61.2(103).

Stormwater Discharges Associated with Industrial Activity – the discharge from any conveyance that is used for collecting and conveying stormwater and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. Except for the provision of 61.3(2)(c) that addresses construction activities associated with oil and gas operations or facilities, the term does not include discharges from facilities or activities excluded from the NPDES program under 40 CFR Part 122 or the CDPS program under Regulation No. 61.

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

Total Inorganic Nitrogen (T.I.N.) – 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.I.6 for guidance on calculating averages and reporting analytical results that are less than the PQL).

Total Maximum Daily Loads (TMDLs) – A TMDL is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL includes wasteload allocations (WLA) for point source discharges; load allocations (LA) for nonpoint sources and/or natural background, and must include a margin of safety (MOS) and account for seasonal variations. (See section 303(d) of the Clean Water Act and 40 CFR 130.2 and 130.7).

Total Metals – 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.

Total Recoverable Metals – 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.

Twice Monthly monitoring frequency – 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.

Water Quality Standards – means a narrative and/or numeric restriction established by the Commission applied to state surface waters to protect one or more beneficial uses of such waters. Whenever only numeric or only narrative standards are intended, the wording shall specifically designate which is intended. See 5 CCR 1002- 31.5(37).

Water Quality Control Division or Division – the state Water Quality Control Division as established in 25-8-101 et al.)

ABBREVIATIONS

BMP – Best Management Practice

CDPS – Colorado Discharge Permit System

CERCLA – Comprehensive Environmental Response, Compensation and Liability Act

CWA – Clean Water Act (or the Federal Water Pollution Control Act, 33 U.S.C. §1251 *et seq*)

DMR – Discharge Monitoring Report

EPA – U. S. Environmental Protection Agency

NPDES – National Pollutant Discharge Elimination System (change to)

SARA – Superfund Amendments and Reauthorization Act

SIC – Standard Industrial Classification

SPCC – Spill Prevention, Control, and Countermeasures

SWMP – Stormwater Management Plan

TMDL – Total Maximum Daily Load