

**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

Metro Wastewater Reclamation District

is authorized to discharge from the **District's** wastewater treatment plant

located in the NW $\frac{1}{4}$, Section 12, T3S, R68W, 6th P.M., at 6450 York Street, Denver, CO,

to the South Platte River and the Burlington Canal,

in accordance with effluent limitations, monitoring requirements and other conditions set forth in Part 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 issuance of the final permit determination, per Regulation for the State Discharge Permit System, 61.7(1). Should the applicant choose to contest any of the effluent limitations, monitoring requirements or other conditions contained herein, the applicant must comply with Section 24-4-104 CRS 1973 and the Regulations for the State Discharge Permit System. Failure to contest any such effluent limitation, monitoring requirement, or other condition, constitutes consent to the condition by the applicant.

This permit and the authorization to discharge shall expire at midnight, February 28, 2013

Issued and Signed this 31st day of January 2008

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT



Janet Kieler, Permits Section Manager
Water Quality Control Division

**ISSUED AND SIGNED JANUARY 31, 2008
EFFECTIVE MARCH 1, 2008**

TABLE OF CONTENTS

PART I	3
A. TERMS AND CONDITIONS	3
1. <u>Service Area</u>	<u>3</u>
2. <u>Design Capacity</u>	<u>3</u>
3. <u>Expansion Requirements</u>	<u>3</u>
4. <u>Facilities Operation</u>	<u>4</u>
5. <u>Effluent Limitations</u>	<u>4</u>
6. <u>Percentage Removal Requirements (BOD₅ and TSS limitations)</u>	<u>6</u>
7. <u>Compliance Schedules</u>	<u>6</u>
8. <u>Industrial Pretreatment Program – Contributing Industries and Pretreatment Requirements</u>	<u>7</u>
B. MONITORING REQUIREMENTS	12
1. <u>Influent Parameters</u>	<u>12</u>
2. <u>Effluent Parameters</u>	<u>12</u>
3. <u>Chronic WET Testing-Outfall 001C</u>	<u>13</u>
C. ADDITIONAL MONITORING REQUIREMENTS	22
1. <u>Representative Sampling</u>	<u>22</u>
2. <u>Influent and Effluent Sampling Points</u>	<u>22</u>
3. <u>Analytical and Sampling Methods for Monitoring</u>	<u>22</u>
4. <u>Records</u>	<u>22</u>
5. <u>Additional Monitoring by Permittee</u>	<u>22</u>
6. <u>Flow Measuring Devices</u>	<u>23</u>
D. REPORTING	23
1. <u>Signatory Requirements</u>	<u>23</u>
2. <u>Monthly Reports</u>	<u>23</u>
3. <u>Annual Biosolids Report</u>	<u>24</u>
4. <u>Special Notifications</u>	<u>24</u>
PART II	26
A. MANAGEMENT REQUIREMENTS AND RESPONSIBILITIES	26
1. <u>Bypass</u>	<u>26</u>
2. <u>Upsets</u>	<u>26</u>
3. <u>Reduction, Loss, or Failure of Treatment Facility</u>	<u>27</u>
4. <u>Removed Substances</u>	<u>27</u>
5. <u>Minimization of Adverse Impacts</u>	<u>27</u>
6. <u>Discharge Point</u>	<u>27</u>
7. <u>Inspections and Right to Entry</u>	<u>27</u>
8. <u>Duty to Provide Information</u>	<u>28</u>
9. <u>Availability of Reports</u>	<u>28</u>
10. <u>Transfer of Ownership or Control</u>	<u>28</u>
11. <u>Contract Requirements</u>	<u>29</u>
B. ADDITIONAL CONDITIONS	29
1. <u>Permit Violations</u>	<u>29</u>
2. <u>Civil and Criminal Liability</u>	<u>29</u>
3. <u>State Laws</u>	<u>29</u>
4. <u>Division Emergency Power</u>	<u>29</u>
5. <u>Severability</u>	<u>29</u>
6. <u>Oil and Hazardous Substance Liability</u>	<u>29</u>
7. <u>Property Rights</u>	<u>30</u>
8. <u>Modification, Suspension, or Revocation of Permit</u>	<u>30</u>
9. <u>Permit Renewal Application</u>	<u>33</u>
10. <u>Confidentiality</u>	<u>33</u>
11. <u>Fees</u>	<u>33</u>
PART III	34

PART I

A. TERMS AND CONDITIONS

1. Service Area

The general service area for this treatment facility and entities served by the **Metro Wastewater Reclamation District** are delineated in Figure 1. All wastewater flows contributed by these entities and flows from additional entities may be accepted by the Metro District for treatment at the Metro District's wastewater facility provided that such acceptance does not exceed the throughput or design capacity of the treatment works or constitute a substantial impact to the functioning of the treatment works, quality of the receiving waters, human health, or the environment.

In addition, the permittee shall enter into and maintain service agreements with any municipalities that discharge directly into the wastewater facilities owned by the District. The service agreements shall contain all provisions necessary to protect the financial, physical, and operational integrity of the complete wastewater treatment works, including appurtenances.

2. Design Capacity

The design capacity of this domestic wastewater treatment works (DWTW) is **220 million gallons per day (MGD)** for hydraulic flow (30-day average) and **212 tons BOD₅ per day** for organic loading (annual average).

3. Expansion Requirements

Pursuant to Colorado Law, C.R.S. 25-8-501 (5 d & e), the permittee is required to initiate engineering and financial planning for expansion of the domestic wastewater treatment works whenever throughput and treatment reaches eighty (80) percent of design capacity. Whenever throughput and treatment reaches ninety-five (95) percent of the design capacity, the permittee shall commence construction of the necessary treatment expansion.

If construction is not commenced by the time usage of the facility equals ninety-five (95) percent of the design capacity, then action to limit additional building permits and sewer connections shall be implemented. Since the permittee's domestic wastewater treatment works serves other municipalities or connector districts, the permittee shall cooperate with the State in taking actions to require the municipalities within the service area to cease issuance of building permits within such service area until construction has commenced. Building permits may continue to be issued for any construction which would not have the effect of increasing the input of sewage to the wastewater treatment works that is the subject of this permit.

If, during the previous calendar year, the annual organic loading (lbs. BOD₅/day) to the facility exceeded either 80% or 95% of the organic capacity identified in Part I.A.2. of this permit, the permittee shall submit a report by March 31 the following year that includes:

- a. A schedule for planning for a facility expansion if 80% of the organic capacity was exceeded; or
- b. A schedule for construction of a facility expansion if 95% of the organic capacity was exceeded; or
- c. An analysis that indicates that the exceedance of the applicable percentage of the organic capacity (80% or 95%) was an anomaly and is not expected to occur during the current calendar year.

If 80% or 95% of the hydraulic capacity identified in Part I.A.2 of this permit was exceeded during the month of maximum flow, then the permittee is not required to provide the information required in paragraphs a) through c), above, unless violation(s) of effluent limits can be directly related to the magnitude of the hydraulic loading during any such months.

If the permittee has reason to believe that the peak flow in any major interceptor or lift station is expected to cause an overflow from the interceptor or lift station during the current calendar year, the permittee shall submit a report within 30 days of such finding that includes a schedule of actions to be taken immediately that will prevent any overflow to state waters.

4. Facilities Operation

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. This provision requires the operation of back-up or auxiliary facilities or similar systems when installed by the permittee only when necessary to achieve compliance with the conditions of the permit.

5. Effluent Limitations

During the period beginning no later than the effective date of the permit and lasting through the expiration date, the permittee is authorized to discharge from outfall number: 001C, the reporting point for the combined discharges of 001A and 002A; and 003A, following disinfection and prior to mixing with the receiving waters .

In accordance with the Water Quality Control Commission Regulations for Effluent Limitations, Section 62.4, and the Colorado Discharge Permit System Regulations, Section 61.8(2), the permitted discharge shall comply with the following limitations at discharge point 001C and, where indicated, 003A.

<u>Effluent Parameter</u>	<u>30-Day Average</u>	<u>Discharge Limitations</u> <u>Maximum Concentrations</u> ^{w/}	
		<u>7-Day Average</u>	<u>Daily Maximum</u>
Flow, MGD			
Outfall 001C	220.0 a/	NA	Report e/
Outfall 003A	Report a/	NA	Report e/
5-day Carbonaceous Biochemical Oxygen Demand (CBOD5), mg/l,			
Outfall 001C	17.0 a/	25.0 b/	N/A
Outfall 003A	25.0 a/	40.0 b/	N/A
Total Suspended Solids (TSS), mg/l,			
Outfall 001C	30.0 a/	45.0 b/	N/A
Outfall 003A,	30.0 a/	45.0 b/	N/A
E. Coli., Number/100 ml, Outfall 001C	126.0 c/	252.0 c/	N/A
Total Residual Chlorine, mg/l, g/ s/, v/			
Outfall 001C	0.011 a/	N/A	0.019 d/
pH, s.u. (minimum-maximum),			
Outfall 001C	N/A	N/A	6.0-9.0 d/
Outfall 003A	N/A	N/A	6.0-9.0 d/
Oil and Grease, mg/l,			
Outfall 001C i/	N/A	N/A	10.0 d/
Outfall 003A i/	N/A	N/A	10.0 d/
Dissolved Oxygen (minimum), mg/l	N/A	5.0 b/	3.0 d/

Continued on Next Page

Effluent Parameter - Continued

Discharge Limitations
Maximum Concentrations

	<u>30-Day Average</u>	<u>7-Day Average</u>	<u>Daily Maximum</u>
Total Ammonia (as N), mg/l - Through 12/31/2014			
January through February	15.0 a/	N/A	30.0 e/
March	14.0 a/	N/A	26.6 e/
April	14.0 a/	N/A	25.6 e/
May	13.0 a/	N/A	25.9 e/
June	13.0 a/	N/A	27.0 e/
July	10.0 a/	N/A	21.5 e/
August	9.7 a/	N/A	23.4 e/
September	10.0 a/	N/A	26.7 e/
October	10.0 a/	N/A	23.4 e/
November	14.0 a/	N/A	24.1 e/
December	15.0 a/	N/A	27.8 e/
Total Ammonia (as N) - Beginning 1/1/2015			
January	4.60 a/	N/A	6.31 e/
February	4.47 a/	N/A	6.17 e/
March	4.22 a/	N/A	8.29 e/
April	4.13 a/	N/A	9.21 e/
May	3.08 a/	N/A	11.21 e/
June	2.77 a/	N/A	12.67 e/
July	2.37 a/	2.00 b/	10.37 e/
August	2.04 a/	1.75 b/	10.13 e/
September	2.72 a/	2.23 b/	9.14 e/
October	3.34 a/	N/A	9.18 e/
November	3.54 a/	N/A	7.84 e/
December	4.64 a/	N/A	7.97 e/
Nitrate Plus Nitrite, mg/l as N	N/A	8.68 b/	N/A
Cadmium, PD, ug/l	Report a/	N/A	Report e/
Copper, PD, ug/l	Report a/	N/A	Report e/
Iron, PD, ug/l	Report a/	N/A	N/A
Mercury, PD, ug/l	Report a/	N/A	Report e/
Selenium, PD, ug/l	Report a/	N/A	Report e/
Cyanide, Weak Acid Dissociable, ug/l	Report a/	NA	N/A
Tetrachloroethene (PERC), ug/l	5.06 a/	NA	NA
Diazinon, ug/l	Report a/	NA	Report e/
Whole Effluent Toxicity, Chronic	N/A	N/A	Statistical Difference and IC25 < IWC=98.7%

6. Percentage Removal Requirements (BOD₅ and TSS Limitations)

In addition to the concentration limitations on BOD₅ and Total Suspended Solids (TSS) indicated above, the arithmetic mean of the BOD₅ and TSS concentrations for effluent samples collected during the calendar month shall demonstrate a minimum of eighty-five percent (85%) removal of BOD₅ and TSS, as measured by dividing the respective difference between the mean influent and effluent concentrations for the calendar month by the respective mean influent concentration for the calendar month, and multiplying the quotient by 100.

7. Compliance Schedules

a. Activities to Meet Nitrate and Ammonia Final Limits: North Secondary Facility

On or before **July 1, 2008**, the permittee shall have commenced the construction of the carbon addition facilities, mixed liquor return (MLR) pumping facilities, and Centrate and RAS Re-aeration Basins (CaRRB) in the North Complex.

On or before **January 1, 2009**, the permittee shall submit a report describing the progress of the construction of CaRRB facilities in the North Complex.

On or before **January 1, 2010**, the permittee shall submit a report describing the progress of the construction of CaRRB facilities in the North Complex.

On or before **July 1, 2010**, the permittee shall submit a report documenting that construction of CaRRB facilities in the North Complex is complete such that those facilities are operational, and provide a commencement date for construction improvements to the twelve existing aeration basins and twelve secondary clarifiers in the North Complex.

On or before **January 1, 2011**, the permittee shall submit a report describing the progress of the construction of improvements to the twelve existing aeration basins and twelve secondary clarifiers in the North Complex.

On or before **January 1, 2012**, the permittee shall submit a report describing the progress of the construction of improvements to existing clarifiers and aeration basin facilities in the North Complex.

On or before **July 1, 2012**, the permittee shall submit a report documenting substantial completion of North Secondary Facility Improvements and that operation of said facilities has begun.

b. Activities to Meet Nitrate and Ammonia Final Limits: South Secondary Facility

On or before **January 1, 2009**, the permittee shall submit a report describing its progress in completing the Process Design Report (PDR) of facility improvements that meet Division design criteria, or seek appropriate variances for achieving nitrate and ammonia removal requirements in the South Secondary Facility Complex.

On or before **October 1, 2009**, the permittee shall submit for approval a completed PDR that meets Division design criteria or requirements of approved variances for achieving nitrate and ammonia removal requirements in the South Secondary Facility Complex.

On or before **January 1, 2010**, the permittee shall submit a report describing its progress to complete final design and specifications in accordance with Division design criteria or approved variances, for facility improvements to achieve nitrate and ammonia removal requirements in the South Complex.

On or before **October 1, 2010**, the permittee shall submit final design plans and specifications in accordance with Division design criteria or approved variances, for facility improvements to achieve nitrate and ammonia removal requirements in the South Complex.

On or before **January 1, 2011**, the permittee shall submit a report documenting that the final design and plans for facility improvements to achieve nitrate and ammonia removal requirements in the South Complex is complete, submitted and approved and a construction contract has been awarded.

On or before **January 1, 2012**, the permittee shall submit a report describing the progress of the construction of nitrate and ammonia removal facilities in the South Complex.

On or before **January 1, 2013**, the permittee shall submit a report describing the progress of the construction of nitrate and ammonia removal facilities in the South Complex.

On or before **January 1, 2014**, the permittee shall submit a report describing the progress of the construction of nitrate and ammonia removal facilities in the South Complex.

On or before **August 1, 2014**, the permittee shall submit a report documenting that construction of nitrate and ammonia removal facilities in the South Complex is substantially complete and that operation of said facility improvements has begun.

On or before **January 1, 2015**, the permittee shall submit a report documenting that the South Secondary Complex nitrate and ammonia removal facilities are fully operational and that performance testing of said facilities is complete.

8. Industrial Pretreatment Program - Contributing Industries and Pretreatment Requirements

a. The Permittee shall operate an industrial pretreatment program in accordance with the following permit requirements developed pursuant to Section 402(b)(8) of the Clean Water Act, the General Pretreatment Regulations (40 CFR Part 403), Section 25-8-501 and 25-8-508 of the Colorado Water Quality Control Act, the Colorado Pretreatment Regulations (5 CCR 1002-63) and the approved pretreatment program submitted by the Permittee. The pretreatment program was approved on August 25, 1986, and has subsequently incorporated substantial modifications as approved by the Approval Authority. The approved pretreatment program, and any approved modifications thereto, is hereby incorporated by reference and shall be implemented in a manner consistent with the following requirements:

- i. Industrial user information shall be updated at a minimum of once per year or at that frequency necessary to ensure that all Industrial Users are properly permitted and/or controlled. The records shall be maintained and updated as necessary;
- ii. The Permittee shall sample and inspect each Significant Industrial User (SIU) at least once per calendar year (40 CFR Section 403.8(f)(2)(v)). This is in addition to any industrial self-monitoring activities;
- iii. The Permittee shall evaluate whether each SIU needs a plan to control Slug Discharges. SIUs must be evaluated within 1 year of being designated an SIU. Where needed, the Permittee shall require the SIU to prepare or update, and then implement the plan. Where a slug prevention plan is required, the Permittee shall ensure that the plan contains at least the minimum elements required in 40 CFR Section 403.8(f)(2)(vi);
- iv. The Permittee shall investigate instances of non-compliance with Pretreatment Standards and requirements indicated in reports and notices required under 40 CFR Section 403.12, or indicated by analysis, inspection, and surveillance activities.
- v. The Permittee shall enforce all applicable Pretreatment Standards and requirements and obtain remedies for noncompliance by any industrial user;
- vi. The Permittee shall control, through the legal authority in the approved pretreatment program, the contribution to the DWTW by each industrial user to ensure compliance with applicable Pretreatment Standards and requirements. In the case of industrial users identified as significant under 40 CFR Section 403.3(v), this control shall be achieved through permit, order, or similar means and shall contain, at a minimum, the following conditions:
 - (A) Statement of duration (in no case more than five (5) years);
 - (B) Statement of non-transferability without, at a minimum, prior notification to the Permittee and provision of a copy of the existing control mechanism to the new owner or operator;
 - (C) Effluent limits based on applicable Pretreatment Standards, Categorical Pretreatment Standards, local limits, and State and local law;
 - (D) Self-monitoring, sampling, reporting, notification and record keeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable Pretreatment Standards in 40 CFR Part 403, Categorical Pretreatment Standards, local limits, and State and local law; and,

(E) Statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond deadlines mandated by federal statute or regulation.

- vii. The Permittee shall provide adequate staff, equipment, and support capabilities to carry out all elements of the pretreatment program as required by 40 CFR Section 403.8(f)(3);
 - viii. The approved program shall not be substantially modified by the Permittee without the approval of the EPA. Substantial and non-substantial modifications shall follow the procedures outlined in 40 CFR Section 403.18;
 - ix. The Permittee shall develop, implement, and maintain an enforcement response plan as required by 40 CFR Section 403.8(f)(5); and
 - x. The Permittee shall notify all Industrial Users of the users' obligations to comply with applicable requirements under Subtitles C and D of the Resource Conservation and Recovery Act (RCRA) as required by 40 CFR Section 403.8(f)(2)(iii).
- b. In accordance with EPA policy and with the requirements of 40 CFR sections 403.8(f)(4) and 403.5(c), the Permittee shall establish and enforce specific local limits to implement the general and specific prohibitions of 40 CFR Section 403.5(a)(1) and (b). The Permittee shall continue to develop these limits as necessary and effectively enforce such limits.

This evaluation should be conducted in accordance with the latest revision of the "EPA Region VIII Strategy for Developing Technically Based Local Limits", and after review of the EPA's, "Local Limits Development Guidance," July 2004. Where the Permittee determines that revised or new local limits are necessary, the Permittee shall submit the proposed local limits to the Approval Authority in an approvable form in accordance with 40 CFR Section 403.18.

- c. The Permittee shall analyze the treatment facility influent and effluent for the presence of the toxic pollutants listed in 40 CFR Part 122 Appendix D (NPDES Application Testing Requirements) Table II at least semi-annually and the toxic pollutants in Table III at least six times per year. If, based upon information available to the Permittee, there is reason to suspect the presence of any toxic or hazardous pollutant listed in Table V, or any other pollutant in a quantity or concentration known or suspected to adversely affect DWTW operation, receiving water quality, or solids disposal procedures, analysis for those pollutants shall be performed at least six times per year on both the influent and the effluent.
- i. Along with the Permittee's pretreatment annual report, if required by EPA, the Permittee will submit a list of compounds included in Table V that are suspected or known to be present in its influent wastewater. This determination shall be based on a review of the Permittee's pretreatment program records. The state permitting authority and/or Approval Authority may review and comment on the list and the list may be revised if, in the opinion of the state permitting authority and/or Approval Authority, the list is incomplete. The Permittee will perform six times per year analysis on the influent for the revised list of compounds for which there are acceptable testing procedures.
 - ii. Where the pollutants monitored in accordance with this section are reported as being above the method detection limit, the results for these pollutants shall be reported in the Permittee's pretreatment annual report, if required by EPA.
- d. The Permittee shall analyze the treatment facility sludge (biosolids) prior to disposal, for the presence of the toxic pollutants listed in 40 CFR Part 122 Appendix D (NPDES Application Testing Requirements) Table III at least once per year. If the Permittee does not dispose of biosolids during the calendar year, the Permittee shall certify to that in the Pretreatment Annual Report, if required by EPA, and the monitoring requirements in this paragraph shall be suspended for that calendar year.
- i. The Permittee shall review the pollutants in 40 CFR Part 122, Appendix D, tables II and V. If any of the pollutants in these tables, with the exception of the volatile organics, were above detection in the influent samples during the previous 2 years or the last two analyses, whichever is greater, the Permittee shall sample and analyze its sewage sludge for these pollutants. The Permittee shall perform this evaluation and analysis at least once per year. Volatile organics analyzed by EPA Method 601, or 624, or 1624, or Standard Methods 6210B or 6230B are excluded from this requirement.

- ii. The Permittee shall use sample collection and analysis procedures as approved for use under 40 CFR Part 503 or specified in the EPA Region 8 General Permit for biosolids.

The Permittee shall report the results for these pollutants in the Permittee's pretreatment annual report, if required by EPA.

- e. All influent and effluent analyses shall be in accordance with test procedures established in 40 CFR Part 136. Where analytical techniques are not specified or approved under 40 CFR Part 136, the Permittee shall use its best professional judgement and guidance from the State and the Approval Authority regarding analytical procedures. All analytical procedures and method detection limits must be specified when reporting the results of such analyses. Sampling methods shall be those defined in 40 CFR Part 136, 40 CFR Part 403, as defined in this permit, or as specified by the Approval Authority. Where sampling methods are not specified, the influent and effluent samples collected shall be composite samples consisting of at least twelve (12) aliquots collected at approximately equal intervals over a representative 24-hour period and composited according to flow. Where automated composite sampling is inappropriate, at least four (4) grab samples shall be manually taken at equal intervals over a representative 24-hour period, and composited prior to analysis using approved methods; alternatively, the individual grab samples may be analyzed separately and the results from the respective grab samples mathematically combined based on flow (i.e. flow weighted) for the final result.
- f. The Permittee shall prepare annually a list of industrial users, which during the preceding twelve (12) months were found in significant noncompliance with Pretreatment Standards or requirements. This list is to be published annually in a newspaper of general circulation in the Permittee's service area as required by 40 CFR Section 403.8(f)(2)(viii).

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

- i. An updated list of all SIUs as defined at 40 CFR 403.3(v). For each SIU listed the following information shall be included:
 - (A) All applicable Standard Industrial Classification (SIC) codes and categorical determinations, as appropriate. In addition, a brief description of the industry and general activities;
 - (B) Permit status. Whether each SIU has an unexpired control mechanism and an explanation as to why any SIUs are operating without a current, unexpired control mechanism (e.g. permit);
 - (C) A summary of all monitoring activities performed within the previous twelve (12) months. The following information shall be reported:
 - Total number of SIUs inspected; and
 - Total number of SIUs sampled.
- ii. For all industrial users that were in Significant Non-Compliance during the previous twelve (12) months, provide the name of the violating industrial user, indicate the nature of the violations, the type and number of formal enforcement actions taken (administrative order, criminal or civil suit, fines or penalties collected, etc.) and current compliance status. Indicate if the company returned to compliance and the date compliance was attained. Determination of Significant Non-Compliance shall be performed as defined at 40 CFR Section 403.8(f)(2)(viii).
- iii. A summary of all formal enforcement actions not covered by the paragraph above conducted in accordance with the approved Enforcement Response Plan.
- iv. A list of all SIUs whose authorization to discharge was terminated or revoked during the preceding twelve (12) month period and the reason for termination;
- v. A report on any Interference, Pass Through, upset or CDPS permit violations known or suspected to be caused by non-domestic discharges of pollutant and actions taken by the Permittee in response;
- vi. Verification of publication of industrial users in Significant Non-Compliance;
- vii. Identification of the specific locations, if any, designated by the Permittee for receipt (discharge) of trucked or

hauled waste, if modified;

- viii. Information as required by the Approval Authority or state permitting authority on the discharge to the DWTW from the following activities:
- (A) Ground water clean-up from underground storage tanks;
 - (B) Trucked or hauled waste; and,
 - (C) Groundwater clean-up from RCRA or Superfund sites.
- ix. A description of all changes made during the previous calendar year to the Permittee's pretreatment program that should have been submitted to EPA as substantial or non substantial modifications to EPA.
- x. The Permittee shall evaluate actual pollutants loadings against the approved Maximum Allowable Headworks Loadings (MAHLs). Where the actual loading exceeds the MAHL, the Permittee shall investigate the cause of the exceedance and if deemed necessary begin a program to revise the existing local limit and/or control the discharges of the pollutant(s). The Permittee shall provide a summary of its intended action.
- xi. Other information that may be deemed necessary by the Approval Authority.
- g. The Permittee shall prohibit the introduction of the following pollutants into the DWTW:
- i. Pollutants which create a fire or explosion hazard in the publicly owned treatment works (DWTW), including, but not limited to, wastestreams with a closed cup flashpoint of less than sixty (60) degrees Centigrade (140 degrees Fahrenheit) using the test methods specified in 40 CFR Section 261.21;
 - ii. Pollutants which will cause corrosive structural damage to the DWTW, but in no case discharges with pH lower than 5.0, unless the works are specifically designed to accommodate such discharges;
 - iii. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the DWTW, or other interference with the operation of the DWTW;
 - iv. Any pollutant, including oxygen demanding pollutants (e.g., BOD), released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with the DWTW;
 - v. Heat in amounts which will inhibit biological activity in the DWTW resulting in Interference but in no case heat in such quantities that the temperature at the DWTW treatment plant exceeds forty (40) degrees Centigrade (104 degrees Fahrenheit) unless the Approval Authority, upon request of the DWTW, approves alternate temperature limits;
 - vi. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through;
 - vii. Pollutants which result in the presence of toxic gases, vapors, or fumes within the DWTW in a quantity that may cause acute worker health and safety problems;
 - viii. Any trucked or hauled pollutants, except at discharge points designated by the DWTW; and,
 - ix. Any specific pollutant that exceeds a local limitation established by the DWTW in accordance with the requirements of 40 CFR Section 403.5(c) and (d).
 - x. Any other pollutant which may cause Pass Through or Interference.

- h. The Permittee shall provide the pretreatment Approval Authority with adequate notice of any substantial change in the volume or character of pollutants being introduced into the treatment works by any SIU introducing pollutants into the treatment works at the time of application for the discharge permit. For the purposes of this section, "substantial change" shall mean a level of change which has a reasonable probability of affecting the Permittee's ability to comply with its permit conditions or to cause a violation of stream standards applied to the receiving water.

Adequate notice shall include information on: (1) the quality and quantity of effluent to be introduced into the treatment works, and (2) any anticipated impact of the change on the quality or quantity of effluent to be discharged from the publicly owned treatment works.

- i. Section 309(f) of the Act provides that EPA may issue a notice to the DWTW stating that a determination has been made that appropriate enforcement action must be taken against an industrial user for noncompliance with any Pretreatment Standards and requirements. The notice provides the DWTW with thirty (30) days to commence such action. The issuance of such permit notice shall not be construed to limit the authority of the permit issuing authority or Approval Authority.
- j. The state permitting authority and the Approval Authority retains, at all times, the right to take legal action against the industrial contributor for violations of a permit issued by the Permittee, violations of any Pretreatment Standard or requirement, or for failure to discharge at an acceptable level under national standards issued by EPA under 40 CFR, chapter I, subchapter N. In those cases where a CDPS permit violation has occurred because of the failure of the Permittee to properly develop and enforce Pretreatment Standards and requirements as necessary to protect the DWTW, the state permitting authority and/or Approval Authority shall hold the Permittee responsible and may take legal action against the Permittee as well as the Indirect Discharger(s) contributing to the permit violation.

B. MONITORING REQUIREMENTS

1. Influent Parameters

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

<u>Influent Parameter</u>	<u>Frequency</u>	<u>Sample Type f/</u>
Flow, MGD	Continuous	Recorder
BOD ₅ , mg/l (lbs/day)	Daily	24-Hour Composite
Total Suspended Solids, TSS, mg/l	Daily	24-Hour Composite

Self-monitoring samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: **Monitoring point 300I** (which represents the total combined influent to the plant), at a representative point prior to any primary treatment.

2. Effluent Parameters

In order to obtain an indication of the probable compliance or non-compliance with the effluent limitations specified in Part I, Section A.5, the permittee shall monitor effluent parameters at the following required frequencies, the results to be reported on the Discharge Monitoring Report (See Part I, Section D.2.):

<u>Effluent Parameter k/, l/</u>	<u>Frequency j/</u>	<u>Sample Type f/</u>
Flow, MGD		
Outfall 001C	Continuous	Recorder
Outfall 003A	Continuous	Recorder
CBOD ₅ , mg/l		
Outfall 001C	Daily	24-Hour Composite
Outfall 003A	Daily*	24-Hour Composite
Total Suspended Solids, TSS, mg/l,		
Outfall 001C	Daily	24-Hour Composite
Outfall 003A	Daily*	24-Hour Composite
E. Coli., Number/100 ml,		
Outfall 001C g/	Daily	Grab
Total Residual Chlorine, mg/l v/		
Outfall 001C		
DPD method s/,t/	4X/Day g/	Grab
Amperometric Titration s/,t/	Daily g/	Grab
pH, standard units,		
Outfall 001C v/	Daily	Grab
Outfall 003A v/	Daily*	Grab
Oil and Grease, mg/l		
Outfall 001C	Daily	Visual i/
Outfall 003A	Daily*	Visual i/
Cyanide, Weak Acid Dissociable, ug/l, g/	Weekly	Grab
Effluent Total Ammonia as N, mg/l	3X/Week	24-Hour Composite
Nitrate plus nitrite, mg/l as N	Daily	24-Hour Composite
Dissolved Oxygen (minimum), mg/l	Daily	Grab
Cadmium, PD, ug/l	Quarterly m/	24-Hour Composite
Copper, PD, ug/l	Weekly m/	24-Hour Composite
Iron, PD, ug/l	Weekly m/	24-Hour Composite
Mercury, PD, ug/l	Weekly m/	24-Hour Composite
Selenium, PD, ug/l	Weekly m/	24-Hour Composite
Tetrachloroethene (PERC), ug/l	Monthly	Grab
Diazinon, ug/l	Monthly	24-Hour Composite
Whole Effluent Toxicity, Chronic	Monthly	3 Composites/Test

* The facility has the option of monitoring/reporting data from Outfall 001C for these parameters

Self-monitoring samples taken in compliance with the monitoring requirements specified above shall be taken at the following locations: Discharge point 001C (the reporting point for the combined discharges of 001A and 002A), following disinfection and prior to mixing with the South Platte River; and 003A, following disinfection and prior to mixing with the waters of the Burlington Canal; however, the permittee has the option of monitoring/reporting data from Outfall 001C for the identified parameters.

In the event that water levels in the South Platte River (i.e., flood conditions) and/or other events make monitoring at the locations specified above hazardous or unrepresentative of effluent quality, the permittee may monitor at the nearest installed upstream location which allows safe and representative monitoring. Monitoring of the discharges for dissolved oxygen during such incidents is not required because the reaeration structures may be submerged and therefore inaccessible. All such occurrences involving sampling at alternate locations shall be noted in the reporting of the self-monitoring data and any exceedance of effluent limitations shall be noted and explained.

3. Chronic WET Testing-Outfall 001C

a. Testing and Reporting Requirements

Tests shall be done at the frequency listed in Part I.B.2. Test results shall be reported along with the Discharge Monitoring Report (DMR) submitted for the reporting period during which the sample was taken. (e.g., WET testing results for the first calendar quarter ending March 31 shall be reported with the DMR due April 28.) The results shall be submitted on the Chronic Toxicity Test report form, available from the Division. Copies of these reports are to be submitted to both the Division and EPA along with the DMR.

The permittee shall conduct each chronic WET test in general accordance with methods described in Short Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, EPA821-R-02-013 or the most current edition, except as modified by the most current Division guidance document entitled Guidelines for Conducting Whole Effluent Toxicity Tests. The permittee shall conduct such tests using *Ceriodaphnia dubia* and fathead minnows. The permittee is authorized to alter WET testing methods in order to maintain the pH in each test vessel at the level measured at the beginning of the test. This is to be accomplished by using the carbon dioxide atmosphere procedure specified in the section entitled, "Altering Test Methods 1 pH Creep for Ammonia," listed in Division guidance document entitled Guidelines for Conducting Whole Effluent Toxicity Tests.

b. Failure of Test and Division Notification

A chronic WET test is failed whenever there is a statistically significant difference in lethality between the control and any effluent concentration less than or equal to the instream waste concentration ("IWC"), and when the IC25 (the effluent concentration at which 25 percent of test organisms exhibit inhibition as reflected by lethality) occurs at any concentration lower than the IWC. Statistically significant differences in fathead minnow weight gain or *Ceriodaphnia dubia* reproduction between the control and any effluent concentration do not represent discharge limit violations for purposes of this permit. The IWC for this permit has been determined to be 98.6%. The permittee must provide written notification of the failure of a WET test to the Division, along with a statement as to whether a Preliminary Toxicity Investigation ("PTI")/Toxicity Identification Evaluation ("TIE") or accelerated testing is being performed. **Notification must be received by the Division within 21 calendar days of the demonstration of chronic WET in the routine required test.** "Demonstration" for the purposes of Parts I.B.3(b),(c),(d), (e) and (g) means no later than the last day of the laboratory test.

c. Automatic Compliance Schedule Upon Failure of Test

If a routine chronic WET test is failed the following automatic compliance schedule shall apply. As part of this, the permittee shall either:

- i. Proceed to conduct the PTI/TIE investigation as described in Part I.B.3.d, or
- ii. Conduct accelerated testing using the single species found to be more sensitive.

If accelerated testing is being performed, the permittee shall provide written notification of the results within 14 calendar days of completion of the "Pattern of Toxicity"/"No Toxicity" demonstration. Testing will be at least once every two weeks for up to five tests until: 1) two consecutive tests fail or three of five tests fail, in which case a pattern of toxicity has been demonstrated or 2) two consecutive tests pass or three of five tests pass, in which case no

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

d. PTI/TIE

The results of the PTI/TIE investigation are to be received by the Division within 120 days of the demonstration of chronic WET in the routine test, as defined above, or if accelerated testing is performed, the date the pattern of toxicity is demonstrated. A status report is to be provided to the Division at the 30, 60 and 90 day points of the PTI/TIE investigation. The Division may extend the time frame for investigation where reasonable justification exists. A request for an extension must be made in writing and received prior to the 120 day deadline. Such request must include a justification and supporting data for such an extension.

The permittee may use the time for investigation to conduct a PTI or move directly into the TIE. A PTI consists of a brief search for possible sources of WET, which might reveal causes of such toxicity and appropriate corrective actions more simply and cost effectively than a formal TIE. If the PTI allows resolution of the WET incident, the TIE need not necessarily be conducted. If, however, WET is not identified or resolved during the PTI, the TIE must be conducted within the allowed 120 day time frame.

Any permittee that is required to conduct a PTI/TIE investigation shall do so in conformance with procedures identified in the following documents, or as subsequently updated: 1) Toxicity Identification Evaluation: Characterization of Chronically Toxic Effluents, Phase I, EPA/600/6-91/005F May 92, 2) Methods for Aquatic Toxicity Identification Evaluations, Phase I Toxicity Characterization Procedures, EPA/600/6-91/003 Feb. 91 and 3) Methods for Aquatic Toxicity Identification Evaluations, Phase II Toxicity Identification Procedures, EPA/600/3-88/035 Feb. 1989.

A fourth document in this series is Methods for Aquatic Toxicity Identification Evaluations, Phase III Toxicity Confirmation Procedures, EPA/600/3-88/036 Feb. 1989. As indicated by the title, this procedure is intended to confirm that the suspected toxicant is truly the toxicant. This investigation is optional.

Within 90 days of the determination of the toxicant or no later than 210 days after demonstration of toxicity, whichever is sooner, a control program is to be developed and received by the Division. The program shall set down a method and procedure for elimination of the toxicity to acceptable levels.

e. Request For Relief

The permittee may request relief from further investigation and testing where the toxicant has not been determined and suitable treatment does not appear possible. In requesting such relief, the permittee shall submit material sufficient to establish the following:

- i. It has complied with terms and conditions of the permit compliance schedule for the PTI/TIE investigation and other appropriate conditions as may have been required by the WQCD;
- ii. During the period of the toxicity incident it has been in compliance with all other permit conditions, including, in the case of a POTW, pretreatment requirements;
- iii. During the period of the toxicity incident it has properly maintained and operated all facilities and systems of treatment and control; and
- iv. Despite the circumstances described in paragraphs (i) and (iii) above, the source and/or cause of toxicity could not be located or resolved.

If deemed appropriate by the Division, the permit or the compliance schedule may be modified to revise the ongoing monitoring and toxicity investigation requirements to avoid an unproductive expenditure of the permittee's resources, provided that the underlying obligation to eliminate any continuing exceedance of the toxicity limit shall remain.

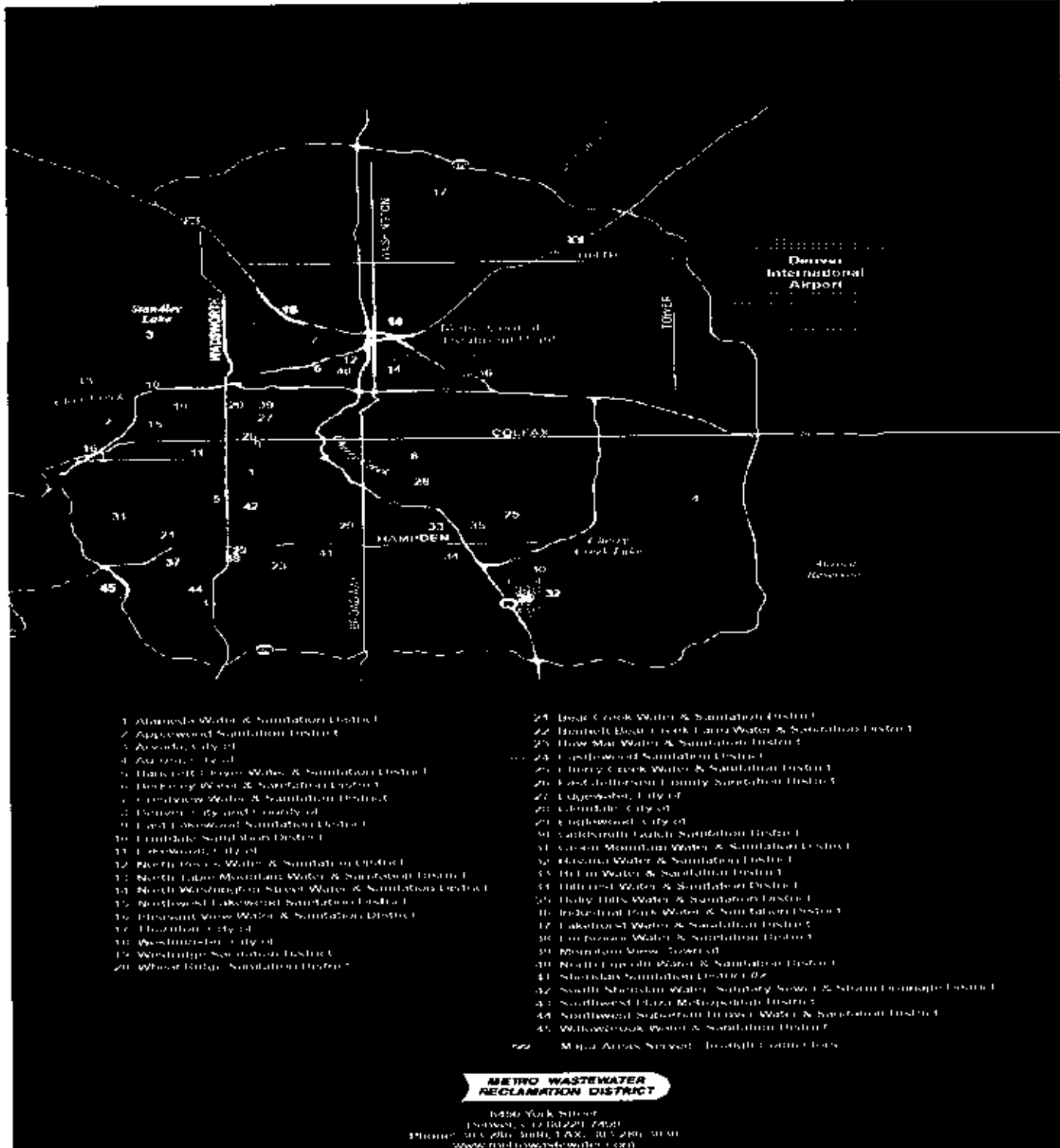
f. Spontaneous Disappearance

If toxicity spontaneously disappears at any time after a test failure, the permittee shall notify the Division in writing within 14 days of a demonstration of disappearance of the toxicity. The Division may require the permittee to develop and submit additional information, which may include, but is not limited to, the results of additional testing. If no pattern of toxicity is identified or recurring toxicity is not identified, the toxicity incident response is considered closed and normal WET testing shall resume.

g. Toxicity Reopener

This permit may be reopened and modified (following proper administrative procedures) to include new compliance dates, additional or modified numerical permit limitations, a new or different compliance schedule, a change in the whole effluent toxicity testing protocol, or any other conditions related to the control of toxicants if one or more of the following events occur:

- i. Toxicity has been demonstrated in the effluent and the permit does not contain a toxicity limitation.
- ii. The PFI/TIE results indicate that the identified toxicant(s) represent pollutant(s) that may be controlled with specific numerical limits and the permit issuing authority agrees that the control of such toxicants through numerical limits is the most appropriate course of action.
- iii. The PFI/TIE reveals other unique conditions or characteristics, which, in the opinion of the permit issuing authority, justify the incorporation of unanticipated special conditions in the permit.



- 1 Alameda Water & Sanitation District
- 2 Applewood Sanitation District
- 3 Aurora, City of
- 4 Aurora, City of
- 5 Bank of America Water & Sanitation District
- 6 Berkeley Water & Sanitation District
- 7 Centennial Water & Sanitation District
- 8 Denver, City and County of
- 9 East Lakewood Sanitation District
- 10 Fairdale Sanitation District
- 11 Greenwood, City of
- 12 Keith Power, Water & Sanitation District
- 13 North Lake Mountain Water & Sanitation District
- 14 North Washington Street Water & Sanitation District
- 15 Northwood Lakewood Sanitation District
- 16 Pleasant View Water & Sanitation District
- 17 Thornton, City of
- 18 Westminster, City of
- 19 Westminster Sanitation District
- 20 Wheat Ridge Sanitation District
- 21 Deep Creek Water & Sanitation District
- 22 Hancock Brook Fork Laramie Water & Sanitation District
- 23 Howe Mesa Water & Sanitation District
- 24 Lakewood Sanitation District
- 25 Little Dryden Water & Sanitation District
- 26 Little Dryden Family Sanitation District
- 27 Longmont, City of
- 28 Louisville, City of
- 29 Longwood, City of
- 30 Southfork Ranch Sanitation District
- 31 Vail Mountain Water & Sanitation District
- 32 Bascom Water & Sanitation District
- 33 Hill Water & Sanitation District
- 34 Hillcrest Water & Sanitation District
- 35 Holly Hills Water & Sanitation District
- 36 Industrial Park Water & Sanitation District
- 37 Lakewood Water & Sanitation District
- 38 Longwood Water & Sanitation District
- 39 Mountain View, Town of
- 40 North Openair Water & Sanitation District
- 41 Sheridan Sanitation District
- 42 South Sheridan Water, Sanitary Sewer & Storm Drainage District
- 43 Southwest Plaza Metropolitan District
- 44 Southwest Superior Transit Water & Sanitation District
- 45 Willowbrook Water & Sanitation District

METRO WASTEWATER RECLAMATION DISTRICT
 1450 York Street
 Denver, CO 80202-7420
 Phone: 303.261.3000, FAX: 303.261.3000
 www.metrowastewater.com

**FIGURE I
 METRO WASTEWATER RECLAMATION DISTRICT
 SERVICE AREA**

FOOTNOTES

a/ - The thirty (30) day average is defined as being the arithmetic mean of the measurements or analytical results for all samples collected during a calendar month. The permittee shall report the arithmetic mean of all self-monitoring sample data collected during the calendar month on the Discharge Monitoring Reports. No individual sample result may be used for more than one thirty (30) day average. (For E. coli determinations, see footnote g/).

b/ - The seven (7) day average shall be determined by an arithmetic mean of the measurements or analytical results for all samples collected during a seven (7) consecutive day period. Such seven (7) day averages shall be calculated for all calendar weeks, which are defined as beginning on Sunday and ending on Saturday. If a calendar week overlaps two months (i.e., the Sunday is in one month and the Saturday in the following month), the seven (7) day average calculated for that calendar week shall be associated with the month that contains the Saturday. No individual sample result may be used for more than one (1) seven (7) day average. (For E. coli determinations, see footnote g/).

c/ - For E. coli bacteria concentrations, the thirty (30) day and seven (7) day averages shall be determined as explained in footnotes a/ and b/ above, respectively, except that the geometric mean shall be used instead of the arithmetic mean. The daily E. coli discharge value for discharge point 001C shall be calculated as the flow-weighted geometric mean of the individual E. coli analytical results for outfalls 001A and 002A. The monthly geometric mean may then be calculated using two different methods. For the methods shown, a, b, c, d, etc. are individual sample results, and n is the total number of samples.

Method 1:

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

Method 2:

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

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

In calculating the geometric mean, for those individual sample results that are reported by the analytical laboratory to be "less than" a numeric value, the numeric value shall be used in the calculations unless the result is "less than 1". If the result is "less than 1", use a value of 0.5 in the calculations. If all individual analytical results for the month are reported to be less than numeric values, then report "less than" the largest of those numeric values on the monthly DMR. Otherwise, report the calculated value.

For any individual analytical result of "-greater than," that analysis shall not be included in any further calculation.

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

d/ - The "Daily Maximum" 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. Report the maximum (and/or minimum) of all instantaneous values within the calendar month. Any instantaneous value beyond the noted daily maximum or below the noted minimum limitation for the indicated parameter shall be considered a violation of this permit.

e/ - The "Daily Maximum" limitation for this parameter shall be applied as a maximum daily average. The daily average is defined as the arithmetic mean of the analytical results for all samples collected during a 24-hour period. If only one sample is collected during the 24-hour period, the analytical result for that single sample shall be used as the daily average. Report the maximum of all daily average values within the calendar month. Any daily average beyond the noted daily maximum limitation for the indicated parameter shall be considered a violation of this permit.

f/ - Definitions for sample types are as follows:

- i. A "recorder" requires the continuous operation of a chart and/or totalizer (or drinking water rotor meters or pump hour meters where previously approved).
- ii. A "composite" sample, for monitoring requirements, is defined as a minimum of four (4) grab samples collected at equally spaced two (2) hour intervals and proportioned according to flow.
- iii. A "24 hour composite" sample is a combination of at least eight (8) sample aliquots, collected at equally spaced intervals during the operating hours of a facility over a twenty-four (24) hour period. For volatile pollutants, aliquots must be combined in the laboratory immediately before analysis. The composite must be flow proportional; either the time interval between each aliquot or the volume of each aliquot must be proportional to either the wastewater or effluent flow at the time of sampling or the total wastewater or effluent flow since the collection of the previous

aliquot. Aliquots may be collected manually or automatically.

- iv. A "grab" sample, for monitoring requirements, is defined as a single "dip and take" sample collected so as to be representative of the parameter being monitored.
- v. An "instantaneous" measurement, for monitoring requirements, is defined as a single reading, observation, or measurement using existing monitoring facilities.
- vi. A "sludge composite" sample is a representative sample of sludge from a wastewater treatment process unit, storage unit or stabilization process unit. The sample shall consist of a minimum of three grab samples of 500 milliliters each taken at the start, middle and end of a pumping cycle, or if discharge is continuous or of a cyclical nature, grab samples of 250 milliliters each shall be taken four times during a twenty-four (24) hour period and combined. Composited samples of semi-dewatered, dewatered and dried sludge shall consist of a minimum of four (4) grab samples of 0.5 kilograms each taken four times during a twenty-four (24) hour period and combined.

g/ - Monitoring is required only when chlorine is used for disinfection. In the calculation of average total residual chlorine concentrations, those analytical results that are less than the method detection limit shall be considered to be zero for calculation purposes. If all individual analytical results that would be used in the calculations are below the method detection limit, then "less than \bar{x} ", where \bar{x} is the method detection limit, shall be reported on the monthly DMR. Otherwise, report the calculated value.

For purposes of this permit the method detection limits of the DPD colorimetric and the amperometric titration methods of analysis for total residual chlorine are as follows:

<u>Method</u>	<u>Method Detection Limit, mg/l</u>
DPD colorimetric	0.10 mg/l
Amperometric titration	0.05 mg/l

If, during the life of this permit, there are improvements in approved analytical procedures that result in lower detection limits, this permit may be reopened to propose the incorporation of those detection limits into this permit. Modification of the permit will be in accordance with the requirements of 40 CFR, Part 124.

h/ - "RESERVED"

i/ - If visible sheen is noted, a grab sample shall be collected and analyzed for oil and grease. The results are to be reported on the DMR under parameter 03582.

j/ - When the measurement frequency indicated is quarterly, samples may be collected at any time during the calendar quarter, with the results being reported on the monthly DMR corresponding to the last month of the quarter (March, June, September or December). If the discharge is intermittent, samples must be collected during the period when discharge occurs.

k/ - "(PD)" means potentially dissolved as defined in the Basic Standards and Methodologies [31.5(22)]. The selection of the sample preparation procedures (e.g., potentially dissolved) used in this permit was based on acceptable procedures that would best approximate the species of metal that was used in establishing water quality criteria for this metal in the receiving water. If there is a change in the species of metal upon which the water quality criterion is based and/or if a more appropriate sample preparation procedure is developed and it is acceptable to the division, the permittee may request that the permit be reopened to propose the appropriate modifications of the effluent limitations and self-monitoring requirements. Modifications of the permit will be in accordance with the requirements of 40 CFR, Part 124.

l/ - Metals and phenols must be analyzed by methods capable of producing calculated method detection limits equal to or less than the values listed below. In the calculation of average concentrations of metals, those analytical results that are less than the method detection limit shall be considered to be zero for calculation purposes. If all individual analytical results that would be used in the calculations are below the method detection limit, then "less than \bar{x} ", where \bar{x} is the method detection limit, shall be reported on the monthly DMR. Otherwise, report the calculated value.

<u>Effluent Characteristic</u>	<u>Method Detection Limits, ug/l</u>
Arsenic	10
Cadmium	0.5
Chromium	10
Chromium, Hexavalent	10
Copper	5
Lead	5
Mercury	0.2
Nickel	20
Phenols	50
Selenium	10
Silver	0.2
Zinc	10

If during the life of this permit, the Division considers the use of analytical procedures capable of producing lower method detection limits to be appropriate for any of the above pollutants, this permit may be amended, in accordance with the Colorado Discharge Permit System Regulations (5 CCR 1002-61), in order to modify the method detection limits listed above.

m/ - Metals concentrations measured in compliance with the effluent monitoring requirements listed in Part I.B.2. of this permit may be used to satisfy any pretreatment or industrial waste management metals monitoring requirements listed in Part I.A.8., with the potentially dissolved, dissolved, or total recoverable concentrations, as specified in Part I.B.2., being substituted for the total metals concentrations specified in Part I.A.8. However, the special sampling procedures (e.g. 24-hour composite samples) specified in Part I.A.8. must be followed. For hexavalent chromium, special provisions apply - see footnote n/.

n/ - For hexavalent chromium, samples must be un-acidified to prevent conversion of the trivalent species to the hexavalent species. Accordingly, dissolved concentrations will be measured rather than potentially dissolved concentrations. In addition, the holding time must be under 24-hours. If performing 24-hour composite sampling for dissolved hexavalent chromium, the sample must be refrigerated during collection and laboratory analysis of the sample must begin within 2 hours after the last aliquot is collected.

o/ - Due to the fact that there is no reliable method of measuring free cyanide in a chlorinated effluent, the American Society for Testing and Materials (ASTM) analytical procedure D2036-81, Method C, which detects weak acid dissociable cyanides, shall be the analytical procedure used. The lower method detection limit for the analysis described above must be at least as low as 0.030 mg/l. In the calculation of average concentrations of cyanide, those analytical results that are less than the method detection limit shall be considered to be zero for calculation purposes. If all individual analytical results that would be used in the calculations are below the method detection limit, then "less than \bar{x} ", where \bar{x} is the method detection limit, shall be reported on the monthly DMR. Otherwise, report the calculated value.

p/ - RESERVED

q/ - The 30-Day Mean minimum is the average of the daily minimums measured during the calendar month.

r/ - RESERVED

s/ - The analysis for total residual chlorine shall be done four times per day using the DPD colorimetric method and shall be done at approximately six hour intervals. The amperometric titration method shall also be performed, at least once per day.

t/ - If any of the daily analyses for total residual chlorine using the amperometric titration or DPD colorimetric method gives an analytical result greater than the 0.050 or 0.10 mg/l method detection limit, respectively, a minimum of two additional aliquots of the same sample shall promptly be analyzed. If any of the additional aliquots gives an analytical result greater than the method detection limit, the results of all analyses shall be averaged for the purposes of calculating the combined instantaneous discharge value. If all the results of the additional analyses are less than the method detection limit, then "less than \bar{x} ," where \bar{x} is the method detection limit, shall be reported on the monthly DMR.

u/ - RESERVED

v/ - For both total residual chlorine (TRC) and pH, the combined instantaneous discharge value for outfalls 001A and 002A shall be determined by collecting a grab sample from each outfall at approximately the same time, promptly combining the two grab samples on a flow weighted basis, and then promptly measuring the pH or TRC, as appropriate, of the combined sample.

w/ - Samples are to reflect the quality of the discharge. The following protocols shall be followed in computing self-monitoring results:

- i. The combined daily discharge value is the flow-weighted average of the analytical results of samples or measurements taken from outfalls 001A and 002A during a 24 consecutive hour period. For those effluent characteristics where a 24-hour composite sample is required, the combined daily discharge value shall be a flow-weighted arithmetic average and shall be determined in the following manner: A 24-hour flow-proportioned composite sample shall be collected at each outfall (001A and 002A). The flow proportioning of each composite sample shall be according to the flow being discharged to the South Platte River from the outfall being sampled. Each composite sample shall be analyzed separately. The analytical results from the two composite samples and the average rates of discharge to the South Platte River from the respective outfalls during the sampling period shall be used to calculate a flow-weighted arithmetic average. (See the equation under Combined Instantaneous Discharge Value).

For those effluent characteristics where grab samples or instantaneous measurements are required, the combined daily discharge value shall be the flow-weighted average of all the combined instantaneous discharge values for the 24-hour sampling period. The flows being discharged to the South Platte River at the time the grab samples or instantaneous measurements were taken shall be used in the calculations. Flow-weighted arithmetic averages shall be calculated except for pH and *E. coli*. The combined daily discharge value is not applicable to pH and only the maximum and minimum combined instantaneous discharge values for pH should be reported. For *E. coli*, a flow-weighted geometric mean shall

be calculated.

- ii. The combined instantaneous discharge value is the instantaneous flow-weighted average of the discharges from outfalls 001A and 002A and shall be determined in the following manner: A grab sample or instantaneous measurement shall be taken at each outfall (001A and 002A) at approximately the same time. Except for pH samples, the grab samples shall be analyzed separately. The results of the two grab samples or instantaneous measurements shall be used to calculate a flow-weighted average. The flow values used in the calculations shall be the rate of discharge from each outfall to the South Platte River at the time the samples or measurements were taken. A flow-weighted arithmetic average shall be calculated using the following equation:

$$C = \frac{C_1 F_1 + C_2 F_2}{F_1 + F_2}$$

Where

C = combined instantaneous discharge value;

C₁ = concentration or value for outfall 001A; and

C₂ = concentration or value for outfall 002A.

F₁ = rate of discharge from outfall 001A (in mgd at time sample C₁ was collected); and

F₂ = rate of discharge from outfall 002A (in mgd at time sample C₂ was collected).

If more than one set of grab samples or instantaneous measurements are taken during a 24-hour sampling day, a combined instantaneous discharge value shall be calculated for each set of grab samples or instantaneous measurements.

- iii. The 30-day average, except for *E. coli*, is the arithmetic average (not flow-weighted), of all the combined daily discharge values for the calendar month. A geometric mean shall be calculated for *E. coli*. This is not applicable to pH.
- iv. The 7-day average, except for *E. coli*, is the arithmetic average (not flow-weighted) of all the combined daily discharge values for a consecutive 7-day period. A geometric mean shall be calculated for *E. coli*. This is not applicable to pH.

C. ADDITIONAL MONITORING REQUIREMENTS

1. Representative Sampling

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

2. Influent and Effluent Sampling Points

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

3. Analytical and Sampling Methods for Monitoring

The permittee shall install, calibrate, use and maintain monitoring methods and equipment, including biological and indicated pollutant monitoring methods. Analytical and sampling methods utilized by the discharger shall be approved methods as defined by the Regulations for Effluent Limitations (5 CCR 1002-62, 62.5), Federal regulations (40 CFR 136) and any other applicable State or Federal regulations.

When requested in writing, the Water Quality Control Division may approve an alternative analytical procedure or any significant modification to an approved procedure.

4. Records

- a. The permittee shall establish and maintain records. Those records shall include, but not be limited to, the following:
 - i. The date, type, exact place, and time of sampling or measurements;
 - ii. The individual(s) who performed the sampling or measurements;
 - iii. The date(s) the analyses were performed;
 - iv. The individual(s) who performed the analyses;
 - v. The analytical techniques or methods used; and
 - vi. The results of such analyses.
- b. The permittee shall retain for a minimum of three (3) years records of all monitoring information, including all original strip chart recordings for continuous monitoring instrumentation, all calibration and maintenance records, copies of all reports required by this permit and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the permittee or when requested by the Division or Regional Administrator.

5. Additional Monitoring by Permittee

If the permittee, using the approved analytical methods, monitors at the points of discharge any pollutant limited by this permit 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 or other forms as required by the division. Such increased frequency shall also be indicated.

6. Flow Measuring Devices

Flow metering at the headworks shall be provided to give representative values of throughput and treatment of the wastewater system. The metering device shall be equipped with a local flow indication instrument and a flow indication-recording-totalization device suitable for providing permanent flow records, which should be in the plant control building. For the permittee, the flow reported for the effluent shall be measured at the effluent end of the treatment facility. At the request of the Division, the permittee must be able to show proof of the accuracy of any flow-measuring device used in obtaining data submitted in the monitoring report. The flow-measuring device must indicate values within ten (10) percent of the actual flow entering the facility.

D. REPORTING

1. Signatory Requirements

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:

- a. In the case of corporations, by a principal executive officer of at least the level of vice-president or his or her duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge described in the form originates;
- b. In the case of a partnership, by a general partner;
- c. In the case of a sole proprietorship, by the proprietor;
- d. In the case of a municipal, state, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

The permittee shall make 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".

2. Monthly Reports

Monitoring results shall be summarized for each month and reported on the Discharge Monitoring Report forms (EPA forms 3320-1). The forms shall be mailed to the agencies listed below so that they are received by the agencies no later than the 28th day of the following month. If no discharge occurs during the reporting period, "No Discharge" shall be reported.

The Discharge Monitoring Report forms shall be filled out accurately and completely in accordance with the requirements of this permit and the instructions on the forms, and shall be signed by an authorized person as identified in the preceding section, Part I.D.1. The Discharge Monitoring Report forms consist of four pages - the top "original" copy, and three attached no-carbon-required copies. After the DMR form has been filled out and signed, the four copies must be separated and distributed as follows.

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

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

The second, third and fourth copies are for the permittee's records.

3. Annual Biosolids Report

The permittee shall provide the results of all biosolids monitoring performed in accordance with the **EPA Region 8 Biosolids General Permit**, and information on management practices, land application sites, site restrictions and certifications. Such information shall be provided no later than **February 19th** of each year. Reports shall be submitted addressing all such activities that occurred in the previous calendar year. If no biosolids were applied to the land during the reporting period, "no biosolids applied" shall be reported. Until further notice, biosolids monitoring results shall be reported on forms, or copies of forms, provided by the Division. Annual Biosolids Reports required herein, shall be signed and certified in accordance with the Signatory Requirements, Part I.D.1, and submitted as follows:

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

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

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

WATER PROGRAM REGIONAL BIOSOLIDS PROGRAM
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION VIII, P2-W-P
1595 WYNKOOP ST.
DENVER, CO 80202-1129

ATTENTION: BIOSOLIDS PROGRAM MANAGER

4. Special Notifications

a. Definitions

- i. Bypass: The intentional diversion of waste streams from any portion of a domestic wastewater treatment works.
- ii. Severe Property Damage: A) Substantial physical damage to property at the treatment facilities to cause them to become inoperable, or B) substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.
- iii. Spill: An incident in which flows or solid materials are accidentally or unintentionally allowed to flow or escape so as to be lost from the domestic wastewater treatment works as defined in the Colorado Water Quality Control Act, which may cause pollution of state waters.
- iv. 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 preventive maintenance, or careless or improper operation.

b. Noncompliance Notification

- i. If, for any reason, the permittee does not comply with or will be unable to comply with any maximum discharge limitations, standards or conditions specified in this permit, the permittee shall, at a minimum, provide the Water Quality Control Division and EPA with the following information:
 - (A) A description of the discharge and cause of noncompliance.
 - (B) The period of noncompliance, including exact dates and times and/or the anticipated time when the discharge will return to compliance; and
 - (C) Steps being taken to reduce, eliminate, and prevent recurrence of the noncomplying discharge.
- ii. The following instances of noncompliance shall be reported orally within twenty-four (24) hours from the time the permittee becomes aware of the circumstances. A written report, containing the information requested in Part I.D.4.b(i), above, shall be mailed to the Division within five (5) working days of the time the permittee becomes aware of the circumstances.
 - (A) Any instance of noncompliance which may endanger human health or the environment, regardless of the cause for the incident.
 - (B) Any unanticipated bypass, or any upset or spill, which causes any permit limitation to be exceeded.

(C) Any discharge of toxic pollutants or hazardous substances, which are listed in Part III of this permit, in excess of a daily maximum limit.

- iii. The permittee shall report all other instances of noncompliance, which are not required to be reported within twenty-four (24) hours, at the time Discharge Monitoring Reports are submitted, except as required in (iv) below. The reports shall contain the information listed in "Noncompliance Notification" (paragraph (i) above).
- iv. If the permittee knows in advance of the need for a bypass, it shall submit written notification to the division of the need for such bypass at least ten days before the date of the contemplated bypass.

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

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

d. **Compliance Schedule Notification**

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

e. **Change in Discharge or Wastewater Treatment Facility**

The permittee shall inform the Division (Permits Unit) in writing of any intent to construct, install, or alter any process, facility, or activity that is likely to result in a new or altered discharge either in terms of location or effluent quality prior to the occurrence of the new or altered discharge, and shall furnish the Division such plans and specifications which the Division deems reasonably necessary to evaluate the effect on the discharge and receiving stream.

Notice is required only when:

- i. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged; or
- ii. 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.

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 the Colorado Discharge Permit System Regulations, 5CCR 1002.61, Sections 61.5 through 61.6, and 61.15 prior to the date that the new or altered discharge takes place..

f. **Deactivation**

The permittee shall notify the Permits Unit of the Division within thirty (30) days of deactivation of the permitted facility. Deactivation includes ceasing operation of the facility, ceasing all discharges to State Waters for the remaining term of the existing permit and/or the connection to another wastewater treatment facility.

PART II

A. MANAGEMENT REQUIREMENTS AND RESPONSIBILITIES

1. Bypass

- a. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure optimal operation. These bypasses are not subject to the provisions noted in item b., below. Division notification is not required.
- b. A bypass which causes effluent limitations to be exceeded is prohibited, and the division may take enforcement action against a permittee for such a bypass, unless:
 - i. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - ii. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - iii. The permittee submitted notices as required in "Non-Compliance Notification," Part I, Section D

2. 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;
- ii. The permitted facility was at the time being properly operated and maintained; and
- iii. The permittee submitted notice of the upset as required in Part I, Section D of this permit (24-hour notice).
- iv. The permittee took all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

A. MANAGEMENT REQUIREMENTS AND RESPONSIBILITIES

2. Upsets (Continued)

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

3. 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 feasible to maintain compliance with this permit, control sources of wastewater, or all discharges, or both 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.

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

4. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering waters of the State.

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

5. Minimization of Adverse Impacts

The permittee shall take all reasonable steps to minimize or prevent any adverse impact to waters of the State resulting from any discharge. As necessary, accelerated or additional monitoring of the influent or effluent will be required to determine the nature and impact of noncompliance.

6. Discharge Point

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

7. Inspections and Right to Entry

The permittee shall allow the Director of the Division, and/or authorized representatives, 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;

A. MANAGEMENT REQUIREMENTS AND RESPONSIBILITIES

7. Inspections and Right to Entry (Continued)

- b. At reasonable times to have access to inspect 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 noncompliance with any 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 persons having any knowledge related to the discharge permit or alleged violation, access to any and all facilities or areas within the permittee's premises that may have any affect on the discharge, permit, or alleged violation. Such entry is also authorized for the purpose of inspecting and copying records required to be kept concerning any effluent source.

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.

- d. The Division shall split samples taken by the Division during any investigation with the permittee if requested to do so by the permittee.

8. 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.

9. 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)(b), 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 Regional Administrator.

As required by the Federal Clean Water Act, effluent data shall not be considered confidential. Knowingly making any 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.

10. Transfer of Ownership or Control

A permit may be transferred to a new permittee only upon the completion of the following:

- a. The current permittee notifies the division in writing 30 days in advance of the proposed transfer date;
- b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage and liability between them; and

A. MANAGEMENT REQUIREMENTS AND RESPONSIBILITIES

10. Transfer of Ownership or Control (Continued)

- c. The Division does not notify the existing permittee and the proposed new permittee of its intent to modify, or revoke and reissue, the permit.
- d. Fee requirements of the Colorado Discharge Permit System Regulations, Section 61.15 have been met.

11. Contract Requirements

The permittee shall include pertinent terms and conditions to prevent any violation of this permit in all contracts for receipt by the permittee of any effluent not required to be received by the permittee.

B. ADDITIONAL CONDITIONS

1. 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.

2. Civil and Criminal Liability

Except as provided in Part I, Section C and Part II, Section A, nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance (See 40 CFR 122.41).

3. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibility, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Clean Water Act.

4. Division Emergency Power

Nothing in this permit shall be construed to prevent or limit application of any emergency power of the Division.

5. Severability

The provisions of this permit are severable. If any provisions of this permit, or the application of any provision of this permit in 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.

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 under Section 311 (Oil and Hazardous Substance Liability) of the Clean Water Act, except as recognized by federal law.

B. ADDITIONAL CONDITIONS (CONTINUED)

7. Property Rights

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

8. Modification, Suspension, or Revocation of Permit

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

All permit modification, termination or revocation and reissuance actions shall be subject to the requirements of the Colorado Discharge Permit System Regulations, Sections 61.5 (2&3), 61.6, 61.7 and 61.15 except for minor modifications.

- a. This 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 of the permit; or
 - iv. A determination that the permitted activity endangers human health or the classified or existing uses of state waters and can only be regulated to acceptable levels by permit modifications or termination.
- b. A permit may be modified in whole or in part for the following causes, provided that such modification complies with the provisions of Section 61.10:
 - 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 general permits, this cause includes information indicating that cumulative effects on the environment are unacceptable. For permits issued to new sources or new dischargers, this cause includes information derived from effluent testing required under Section 61.4 (7)(e). 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.
 - 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:

B. ADDITIONAL CONDITIONS

8. Modification, Suspension, or Revocation of Permit (Continued)

- (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 1002-63, Regulation No. 63, 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 as required in the Colorado Discharge Permit System Regulations 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 Section 307(a) of the Federal Act.
 - vii. When required by the reopener conditions in the permit.
 - viii. As necessary under 40 C.F.R. 403.8(e), to include a compliance schedule for the development of a pretreatment program.
 - ix. When the level of discharge of any pollutant which is not limited in the permit exceeds the level which can be achieved by the technology-based treatment requirements appropriate to the permittee under Section 61.8 (2) of the Colorado Discharge Permit System Regulations.
 - x. To establish a pollutant notification level required in Section 61.8 (5) of the Colorado Discharge Permit System Regulations.
 - xi. To correct technical mistakes, such as errors in calculation, or mistaken interpretations of law made in determining permit conditions, to the extent allowed in Section 61.10 of the Colorado 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.

B. ADDITIONAL CONDITIONS

8. Modification, Suspension, or Revocation of Permit (Continued)

- c. Any condition set forth in the approval of the site location may become a condition of the permit, if so identified. Any site approval condition that is included in this permit pursuant to these regulations shall only be subject to enforcement through the Colorado Water Quality Control Act, C.R.S. 25-8-101, et seq.
- d. 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.
- e. Permit modification (except for minor modifications), termination or revocation and reissuance actions shall be subject to the requirements of Sections 61.5 (2&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 modifications 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.
- f. Upon consent by the permittee, the Division may make minor permit modifications without following the requirements of Sections 61.5 (2&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

B. ADDITIONAL CONDITIONS

8. Modification, Suspension, or Revocation of Permit (Continued)

- 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; or
- vii. Incorporating conditions of a POTW pretreatment program that has been approved in accordance with the procedures in 40 C.F.R. 403.11 (or a modification thereto that has been approved in accordance with the procedures in 40 C.F.R. 403.18) as enforceable conditions of the POTW's permits.
- g. When the permit is modified, only the conditions subject to modification are reopened. If the permit is revoked and reissued, the entire permit is reopened and subject to revision and the permit is reissued for a new term.
- h. The filing of a request by the permittee for a permit modification, revocation and reissuance or termination does not stay any permit condition.

All permit modifications and reissuances are subject to the antibacksliding provisions set forth in 61.10 (e) through (g) of the Colorado Discharge Permit System Regulations.

9. Permit 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 must be promptly notified so that it can terminate the permit in accordance with Part II Section B.8.

10. Confidentiality

Any information relating to any secret process, method of manufacture or production, or sales or marketing data, 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 (10) shall bear the burden of proving its applicability. This section shall never be interpreted as preventing full disclosure of effluent data.

11. Fees

The permittee is required to submit an annual fee as set forth in the 2007 amendments to the Water Quality Control Act, Section 25-8-502 (l) (b), and the Colorado Discharge Permit System Regulations 5CCR 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.

PART III

CATEGORICAL INDUSTRIES

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

PRIORITY POLLUTANTS AND HAZARDOUS SUBSTANCES

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

Volatiles

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

Base/Neutral

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

Acid Compounds

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

Pesticides

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

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

<u>Volatiles</u>	<u>Base/Neutral</u>	<u>Acid Compounds</u>	<u>Pesticides</u>
1,1,2,2-tetrachloroethane	1,3-dichlorobenzene		PCB-1232
tetrachloroethylene	1,4-dichlorobenzene		PCB-1248
toluene	3,3'-dichlorobenzidine		PCB-1260
1,2-trans-dichloroethylene	diethyl phthalate		PCB-1016
1,1,1-trichloroethane	dimethyl phthalate		toxaphene
1,1,2-trichloroethane	di-n-butyl phthalate		
trichloroethylene	2,4-dinitrotoluene		
vinyl chloride	2,6-dinitrotoluene		
	di-n-octyl phthalate		
	1,2-diphenylhydrazine (as azobenzene)		
	fluorene		
	fluoranthene		
	hexachlorobenzene		
	hexachlorobutadiene		
	hexachlorocyclopentadiene		
	hexachloroethane		
	indeno(1,2,3-cd)pyrene		
	isophorone		
	naphthalene		
	nitrobenzene		
	N-nitrosodimethylamine		
	N-nitrosodi-n-propylamine		
	N-nitrosodiphenylamine		
	phenanthrene		
	pyrene		
	1,2,4-trichlorobenzene		

OTHER TOXIC POLLUTANTS
(METALS AND CYANIDE) AND TOTAL PHENOLS

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

TOXIC POLLUTANTS AND HAZARDOUS SUBSTANCES
REQUIRED TO BE IDENTIFIED BY EXISTING DISCHARGERS
IF EXPECTED TO BE PRESENT

Toxic Pollutants

Asbestos

Hazardous Substances

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