UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
1595 WYNKOOP STREET
DENVER, COLORADO 80202-1129

AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. § 1251 et seq; "the Act"),

The United States Department of the Air Force, Cheyenne Mountain Space Force Station,

is authorized to discharge from the interior storm drainage system and air exhaust stacks at the Cheyenne Mountain Complex, located at NW¼ of the SW¼ of Section 13 Township 15 South, Range 67 West at latitude 38.744722º N and longitude 104.843333º W, El Paso County, Colorado,
to unnamed tributaries of Fountain Creek

in accordance with discharge point(s), effluent limitations, monitoring requirements and other conditions set forth herein. Authorization for discharge is limited to those outfalls specifically listed in the Permit.

This Permit shall become effective **October 1, 2024**

This Permit and the authorization to discharge shall expire at midnight, **September 30, 2029**

STEPHANIE DEJONG

Digitally signed by STEPHANIE DEJONG
Date: 2024.08.20 15:38:29 -06'00'

Authorized Permitting Official

Stephanie DeJong, Manager
Clean Water Branch

NPDES BP (Rev.11/2021)

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1 Definitions

The *7-day (weekly) average*, other than for microbiological organisms (e.g., bacteria, viruses, etc.), is the average of "daily discharges" over a calendar week, calculated as the sum of all "daily discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week. Geometric means shall be calculated for microbiological organisms unless specified otherwise in the Permit. The 7-day and weekly averages are applicable only to those effluent characteristics for which there are 7-day average effluent limitations. The calendar week, which begins on Sunday and ends on Saturday, shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms. Weekly averages shall be calculated for all calendar weeks with Saturdays in the month. If a calendar week overlaps two months (i.e., the Sunday is in one month and the Saturday in the following month), the weekly average calculated for that calendar week shall be included in the data for the month that contains the Saturday. (40 CFR § 122.2)

The *30-day (monthly) average*, other than for microbiological organisms (e.g., bacteria, viruses, etc.), is the average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month. Geometric means shall be calculated for microbiological organisms unless specified otherwise in the Permit. The calendar month shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms. (40 CFR § 122.2)

Act ("the Act") means the Clean Water Act (formerly referred to as either the Federal Water Pollution Act or the Federal Water Pollution Control Act Amendments of 1972), Pub. L. 92-500, as amended by Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483, Pub. L. 97-117, and Pub. L. 100-4. In this Permit the Act may be referred to as the CWA. (40 CFR § 122.2)

Bypass means the intentional diversion of waste streams from any portion of a treatment facility. (40 CFR § 122.41(m)(1)(i))

Composite samples shall be flow proportioned. The composite sample shall, at a minimum, contain at least four (4) samples collected over the compositing period, unless specified otherwise at 40 CFR Part 136. (40 CFR § 122.21(g)(7)). Unless otherwise specified, the time between the collection of the first sample and the last sample shall not be less than six (6) hours, not more than twenty-four (24) hours. Acceptable methods for the preparation of composite samples are as follows:

(a) Constant time interval between samples, sample volume proportional to flow rate at the time of sampling;
(b) Constant time interval between samples, sample volume proportional to total flow (volume) since last sample. For the first sample, the flow rate at the time of the first sample was collected may be used;
(c) Constant sample volume, time interval between samples proportional to flow (i.e., sample taken every "X" gallons of flow); and,
(d) Continuous collection of sample with sample collection rate proportional to flow rate.

Daily Maximum (Daily Max.) is the maximum measured value for a pollutant discharged during a calendar day or any 24-hour period that reasonably represents a calendar day for purposes of sampling. For pollutants with daily maximum limitations expressed in units of mass (e.g., kilograms, pounds), the daily maximum is calculated as the total mass of pollutant discharged over the calendar day or representative 24-hour period. For pollutants with limitations expressed in other units of measurement (e.g., milligrams/liter, parts per billion), the daily maximum is calculated as the average of all measurements of the pollutant over the calendar day or representative 24-hour period. If only one measurement or sample is taken during a calendar day or representative 24-hour period, the single measured value for a pollutant will be considered the daily maximum measurement for that calendar day or representative 24-hour period. The Daily Maximum limitation is the highest allowable discharge limit over the calendar day or representative 24-hour period. (40 CFR §§ 122.2, see "daily discharge" and "maximum daily discharge limitation")

EPA means the United States Environmental Protection Agency, the Regional Administrator of the EPA Region 8 or an authorized representative.

E. coli means *Escherichia coli*.

Geometric mean is an average or mean based on multiplication instead of addition. To calculate a geometric mean, multiply all the measured values together and then take the nth root, where n is the number of measured values.

$$GeoMean = \sqrt[n]{(X_1 X_2 X_3 \ldots X_n)}$$

Grab sample, for monitoring requirements, is defined as a sample collected over a period not exceeding 15 minutes (typically a single "dip and take" sample or an instantaneous measurement) at a location that is representative of conditions at the time the sample is collected.

Industrial User or *User* means a source of Indirect Discharge, which is the introduction of pollutants into a POTW from any non-domestic source regulated under Section 307(b), (c) or (d) of the Act. (40 CFR §§ 403.3(i) and (j))

Maximum limit means the maximum allowable concentration or other measure of a pollutant determined from the analysis of any sample.

Minimum limit means the minimum allowable concentration or other measure of a pollutant determined from the analysis of any sample.

Interference means an indirect discharge from an Industrial User which, alone or in conjunction with a discharge or discharges from other sources, both:

(a) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
(b) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following

statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act. (40 CFR § 403.3(k))

Narrative limit means a narrative condition that must be met (e.g., The discharge must be free from a visible sheet). *New Source* means any building, structure, facility, or installation from which there is or may be a "discharge of pollutants," the construction of which commenced:

(a) After promulgation of standards of performance under Section 306 of the Act which are applicable to such source, or
(b) After proposal of standards of performance in accordance with Section 306 of the Act which are applicable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal. (40 CFR § 122.2)

Pass Through means an Indirect Discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation). (40 CFR § 403.3(p))

Permit means this NPDES permit upon finalization. (40 CFR § 122.2)

Permittee means the "person" as defined either by Section 502(5) of the Act or 40 CFR § 122.2, including an agent or employee thereof, authorized to discharge under this Permit. (Section 502(5) of the Act, 40 CFR § 122.2)

Publicly Owned Treatment Works or *POTW* means a treatment works as defined by Section 212 of the Act, which is owned by a State or municipality (as defined by Section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant, which means that portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste. The term POTW also means the municipality as defined in Section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works. (40 CFR § 403.3(q) and (r))

Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. (40 CFR § 122.41(m)(1)(ii))

Sewage Sludge means any solid, semi-solid, or liquid residue removed during the treatment of municipal wastewater or domestic sewage. Sewage sludge includes, but is not limited to solids removed during primary, secondary, or advanced wastewater treatment, scum, septage, portable toilet pumpings, type III marine sanitation device pumpings (33 CFR Part 159), and sewage sludge products. Sewage sludge does not include grit or screenings, or ash generated during the incineration of sewage sludge. (40 CFR § 122.2)

Storm water means storm water runoff, snow melt runoff, and surface runoff and drainage. (40 CFR § 122.26(b)(13))

Sufficiently Sensitive – An analytical test method is sufficiently sensitive when:

(a) The method minimum level (ML) is at or below the level of the effluent limit established in the permit for the measured pollutant or pollutant parameter; or
(b) The method has the lowest ML of the analytical methods approved under 40 CFR Part 136 or required under 40 CFR chapter I, subchapter N or O for the measured pollutant or pollutant parameter. (40 CFR § 122.44(i)(1)(iv)(A))

Toxicity Identification Evaluation (TIE) means a set of procedures to identify the specific chemicals or pathogens responsible for effluent toxicity. (U.S. EPA Office of Water, March 1991, Technical Support Document for Water Quality-based Toxics Control [EPA/505/2-90-001], pg. xxi)

Toxicity Reduction Evaluation (TRE) means a site-specific study conducted in a stepwise process designed to identify the causative agents of effluent toxicity, isolate the sources of toxicity, evaluate the effectiveness of toxicity control options, and then confirm the reduction in effluent toxicity after control measures are put in place. (U.S. EPA Office of Water, March 1991, Technical Support Document for Water Quality-based Toxics Control [EPA/505/2-90-001], pg. xxi)

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. (40 CFR § 122.41(n))

Whole Effluent Toxicity (WET) is the total toxic effect of an effluent measured directly with a toxicity test using methods approved under 40 CFR Part 136.

2 Description of Discharge and Monitoring Point(s)

The authorization to discharge provided under this Permit is limited to those outfalls specifically designated below as discharge locations. Discharges at any location not authorized under a NPDES Permit is a violation of the Clean Water Act and could subject the person(s) responsible for such discharge to penalties under Section 309 of the Act.

Table 1. Description of External Discharge and Monitoring Points

Outfall Serial Number	Latitude/Longitude	Receiving Water	Description
001	38.744861º N/ 104.843419º W	Unnamed Tributary of Fountain Creek Segment 4d	Outfall 001 is the discharge point from the Interior Storm Drain System (ISDS) from the underground tunnels and chambers of the Cheyenne Mountain Space Force Station to an unnamed tributary of Fountain Creek. a/

a/ The actual discharge point is located on the side of a hill down the slope from the north entrance to the underground complex. Due to the difficulty of monitoring the actual outfall, effluent limitations and monitoring requirements in the previous Permit were applied at the internal outfalls described in Table 2 below.

Table 2. Description of Internal Monitoring Points

Outfall Serial Number	Latitude/Longitude	Receiving Water	Description
001D	38.743611º N/ 104.845278º W	Unnamed Tributary of Fountain Creek Segment 4d	This outfall is located at the last floor drain in the North Portal or in a manhole located downstream from the last floor drain.

3 Effluent Limitations

Effective immediately and lasting through the life of this Permit, the quality of effluent discharged by the facility shall, at a minimum, meet the limitations as set forth below:

3.1 General Effluent Limitations and Prohibitions

Effective immediately and lasting through the life of this Permit, there shall be no discharge of sanitary wastes, cooling tower blowdown, wastes from the cleaning of cooling tower basins, water from the industrial reservoirs, water from Pit 48, and water from Pit 52. There shall be no discharge of water from the closed loop cooling system.

3.2 Effluent Limitations for Internal Outfall 001D

Table 3. Effluent Limitations for Internal Outfall 001D

Effluent Characteristic	**30-Day Average Effluent Limitations a/**	**7-Day Average Effluent Limitations a/**	**Daily Maximum Effluent Limitations a/**
Flow, mgd	report only	N/A	report only
Dissolved Oxygen	report only b/	N/A	report only, Daily Minimum b/
Total Suspended Solids (TSS), mg/L	25	N/A	45
Copper, Potentially Dissolved, ug/L	report only	N/A	report only
Lead, Potentially Dissolved, ug/L	report only	N/A	report only
Silver, Potentially Dissolved, ug/L	report only	N/A	report only
Temperature, °C (Mar.- Nov.)	N/A	report only c/	report only d/
Temperature, °C (Dec.- Feb)	N/A	13.8 c/	25.2 d/
pH	Must remain in the range of 6.5 to 9.0 *at all times*		
Oil and Grease (O&G), mg/L e/	Where a visual sheen is detected, the discharger will be required to collect a grab sample and have it analyzed for oil and grease. The concentration of oil and grease in any single sample shall not exceed 10 mg/L.		
PFAS (ng/L)	N/A	N/A	report only

a/ See section 1 of the Permit for definition of terms, except for the definitions of maximum weekly average temperature and daily maximum for temperature. See Footnotes "b" and "c" below.

b/ **Daily minimum** value shall be reported - the lowest value of dissolved oxygen recorded the day sampling takes place. The 30-Day Average reported for dissolved oxygen will be the average of all **daily minimum** values recorded within a 30- day period.

c/ Maximum Weekly Average Temperature (MWAT). The MWAT is calculated as the largest mathematical mean of multiple, equally spaced temperatures over a seven-day consecutive period, with a minimum of three data points spaced equally through the day.

d/ Daily Maximum Temperature (DM). The DM means the highest two-hour average temperature recorded during a given 24-hour period. The daily maximum shall be calculated from a minimum of 12 measurements spaced equally through the day.

e/ A daily visual observation is required. Because this is an interior compliance point, and daylight is unavailable to light the surface of waters observed therein, the Facility shall shine a light on the

surface of the water to discern the presence / absence of a visible sheen. Where a visual sheen is detected, the discharger shall collect a grab sample and have it analyzed for oil and grease. Monitoring for oil and grease may be required where there is a reasonable potential that oil and grease will be present in the effluent at concentrations at or above 10 mg/l.

3.3 Effluent Limitations for Internal Outfall 001D

Effective immediately and lasting through the life of this Permit, the valves shall be arranged so that there is no discharge from the interior storm drainage system to Outfall 001 when any of the following conditions occur:

3.3.1 When there are "washing" operations (i.e., hosing down of the interior rock walls and ceilings of the tunnels and chambers) occurring within the underground portion of the complex;

3.3.2 When there are known operations within the underground portion of the complex that are known to have potential to contribute significant concentrations or quantities of pollutants to reach the interior storm drainage system;

3.3.3 A spill is known to have occurred within the underground portion of the complex and there is a reasonable potential for pollutants from that spill to reach the interior storm drainage system; and/or,

3.3.4 A sheen and/or floating oil is observed at Internal Outfall 001D. The valves shall be promptly arranged so that there is no discharge to Outfall 001 and remain in such a position until a sheen and/or floating oil is no longer observed at Internal Outfall 001D.

4 Self-Monitoring and Data Requirements

Self-monitoring shall be conducted effective immediately and last through the effective term of this Permit. Sampling and test procedures for pollutants listed in this section shall be in accordance with guidelines promulgated by the Administrator in 40 CFR Part 136 unless another method is required under 40 CFR subchapters N or O, as required in 40 CFR § 122.41(j). At a minimum, the following constituents shall be monitored at the frequency and with the type of measurement indicated; samples or measurements shall be representative of the volume and nature of the monitored discharge. If no discharge occurs during the entire monitoring period, it shall be stated on the Discharge Monitoring Report (DMR) that no discharge occurred. See Reporting of Monitoring Results, section 7.4, for more details.

4.1 Self-Monitoring and Data Requirements for Internal Outfall 001D

Table 4. Monitoring requirements for Internal Outfall 001D

Effluent Characteristic	Monitoring Frequency	Sample Type a/	Data Value Reported on DMR b/
Flow, mgd c/	Continuous d/	Grab	Daily Max. 30-Day Avg.

Effluent Characteristic	Monitoring Frequency	Sample Type a/	Data Value Reported on DMR b/
Dissolved Oxygen	e/ f/	Grab	Daily Min. 30-Day Avg. g/
Total Suspended Solids (TSS), mg/L	e/	Composite	Daily Max. 30-Day Avg.
Copper, Potentially Dissolved, ug/L	e/	Composite	Daily Max. 30-Day Avg.
Lead, Potentially Dissolved, ug/L	e/	Composite	Daily Max. 30-Day Avg.
Silver, Potentially Dissolved, ug/L	e/ f/	Composite	Daily Max. 30-Day Avg.
Temperature, °C (Mar.- Nov.)	Continuous d/	Grab	DM, h/ MWAT, i/
Temperature, °C (Dec.- Feb)	Continuous d/	Grab	DM, h/ MWAT, i/
pH	e/	Grab	Instantaneous Min. Instantaneous Max.
Oil and Grease (O&G), mg/L j/	e/	Visual	Narrative
PFAS (ng/L)	Quarterly k/ f/	Grab	Daily Max

a/ See section 1 of the Permit for definition of terms.

b/ Refer to the Permit for requirements regarding how to report data on the DMR.

c/ Flow measurements of effluent volume shall be made in such a manner that the Permittee can affirmatively demonstrate that representative values are being obtained. The average flow rate in million gallons per day (mgd) during the reporting period and the maximum flow rate observed, in mgd, shall be reported.

d/ Monitoring equipment necessary to collect continuous samples of these parameters shall be installed and fully implemented no later than October 1, 2026. Prior to this date, data collected on a daily basis shall be recorded in such a manner that the Permittee can affirmatively demonstrate that representative values are being obtained for calculating the values reported on DMRs.

e/ A sample will be taken within an hour of the valves of Outfall 001D being arranged such that the flow of the interior storm drainage system is being routed to Outfall 001. Thereafter, sampling will be performed monthly.

f/ Monitoring for these parameters shall begin no later than October 1, 2025.

g/ Standards for dissolved oxygen are minima, therefore, the Facility must report the daily minimum and monthly average minimum value for dissolved oxygen. Daily minimum value shall be defined as the lowest value of dissolved oxygen recorded the day sampling takes place. The 30-Day Average reported for dissolved oxygen will be the average of all daily minimum values recorded within a 30- day period. This sample must be analyzed within 15 minutes of collection per 40 CFR Part 136.

h/ Maximum Weekly Average Temperature (MWAT). The MWAT is calculated as the largest mathematical mean of multiple, equally spaced temperatures over a seven-day consecutive period, with a minimum of three data points spaced equally through the day.

i/ Daily Maximum Temperature (DM). The DM means the highest two-hour average temperature recorded during a given 24-hour period. The daily maximum shall be calculated from a minimum of 12 measurements spaced equally through the day.

j/ A daily visual observation is required. Because this is an interior compliance point, and daylight is unavailable to light the surface of waters observed therein, the Facility should shine a light on the surface of the water to discern the presence / absence of a visible sheen If a visible sheen is detected, a grab sample shall be taken promptly and analyzed in accordance with the requirements of 40 CFR Part 136. The concentration of oil and grease shall not exceed 10 mg/L in any sample.

k/ Use EPA Draft Method 1633 until EPA approves a 40 CFR Part 136 method. Analysis shall be for the 40 PFAS parameters included in the method. If the results of the initial eight (8) quarterly PFAS monitoring samples using Method 1633 show non-detectable levels of PFAS, the Permittee may submit a request for a waiver from further testing for approval of the appropriate EPA delegated representative. Submit waiver requests to: U.S. EPA, Region 8 (8WD-CWW), Attention: Wastewater Section Supervisor, 1595 Wynkoop Street, Denver, Colorado 80202-1129.

4.2 Self-Monitoring and Data Requirements for Internal Outfall 001D

As a minimum, upon the effective date of this Permit, the Permittee shall maintain a daily record (log) of whether or not the valves are arranged so that there is no discharge to Outfall 001. The log shall be in the form of an *Excel*® spreadsheet file and made available upon request by the permit issuing authority or an authorized representative.

5 Special Conditions

5.1 Pollution Prevention Plan for Interior Storm Drainage System

The Permittee shall continue to implement the pollution prevention plan (PPP) for the interior storm drainage system that was developed and implemented as a requirement of the previous Permit. The PPP must be amended whenever there is a change in design, construction, operation, or maintenance at the facility which has a significant effect on the discharge, or potential for discharge, of pollutants from the interior storm drainage system . The PPP is also to be amended whenever during an inspection or investigation by the Permittee or federal officials it is determined that the PPP is ineffective in eliminating or significantly minimizing the discharge of pollutants from the interior storm drainage system. The PPP shall be reviewed annually to determine if it needs to be amended to meet the objectives of the PPP. If appropriate, the PPP shall be amended.

5.1.1 Contents of Plan

5.1.1.1 Copy of the Permit Requirements: A copy of the permit requirements (attaching a copy of this permit is acceptable) must be included in the PPP.

5.1.1.2 Pollution Prevention Team: The PPP must identify the staff individual(s) (by name or title) that comprise the facility's Pollution Prevention Team. The Pollution Prevention Team is responsible for assisting the facility manager in developing, implementing, maintaining, and revising the facility's PPP. Responsibilities of each staff individual on the team must be listed.

5.1.1.3 Site Description: The PPP must include the following:

5.1.1.3.1 A description of activities at the facility that have potential to contribute pollutants to the interior storm drainage system;

5.1.1.3.2 Identify and describe the sources of water routed into the interior storm drainage system and sources of water routed to the Fort Carson Wastewater Treatment Plant, and the pollutants expected to be introduced by those sources of water.

5.1.1.3.3 A legible site map identifying the following:

5.1.1.3.3.1 The interior storm drainage system and the direction of water flow (e.g., use arrows to show which ways water will flow). The north and south exhaust stacks and the respective anticipated direction of flow from each structure;

5.1.1.3.3.2 The location of all storm drains for the interior storm drainage system;

5.1.1.3.3.3 The location of all material storage areas and material loading and unloading areas where the occurrence of spills and/or leaks have the potential for pollutants to enter the interior storm drainage system; and

5.1.1.3.3.4 The location of all existing structural best management practices (BMPs) for the ISDS and the exhaust stacks respectively.

5.1.1.4 Summary of Potential Pollutant Sources: Identify each separate area at the facility where the presence of materials and/or activities may result in pollutants entering the interior storm drainage system and the water collected. Some activities, such as periodic washing of walls to remove loose rock and vehicular traffic, may be widespread and not confined to specific areas and should be so described. For each separate area identify the activity and the pollutants of concern. Potential spills and leaks need to be included in this summary.

5.1.1.5 Sampling Data: Provide a summary of existing data on samples collected from the interior storm drainage system and/or water discharged into that system. Provide a summary of the discharge history, as well as the conditions that triggered such discharge. All data collected during the term of this permit must also be summarized and included in this PPP.

5.1.1.6 Pollution Prevention Controls:

5.1.1.6.1 Description of Existing and Planned BMPs: Describe the type and location of existing non-structural and structural BMPs selected for each of the areas where materials

and/or activities present the potential for pollutants reaching the interior storm drainage system when the valve at Internal Outfall 001D is open. For areas where BMPs are not currently in place, describe appropriate BMPs that will be used to minimize the potential for pollutants to reach the interior storm drainage system when the valve at Internal Outfall 001D is open. Describe the BMPs that are in place to ensure that no discharge occurs. Describe the BMPs being used to minimize the potential for discharge of pollutants if a discharge occurs. The selection of BMPs should take into consideration the quantity and nature of pollutants and their potential to impact the quality of the discharge.

5.1.1.6.2 BMP Types to be considered: The following types of structural and non-structural BMPs must be considered for implementation at the facility:

5.1.1.6.2.1 Non-Structural BMPs

5.1.1.6.2.2 Good Housekeeping: Keep clean those areas exposed or potentially exposed to seepage water. Road surfaces should be routinely cleaned by street sweepers or other suitable means. Routine inspections should be conducted for leaks and conditions of drums, tanks and containers.

5.1.1.6.2.3 Minimizing Exposure: Where practicable, exposure of materials and activities to seepage water should be minimized.

6 Inspections, Corrective Actions, and Operation and Maintenance

6.1 Logs and Documentation:

This section requires activities for inspections, corrective actions, and maintenance to be documented in a paper or electronic log(s). The Permittee may have one log or multiple logs to document these activities. The Permittee shall maintain the log(s) of inspections, corrective actions, and maintenance in either paper or electronic format in accordance with record-keeping requirements in section 7.8 and shall make the log(s) available for inspection, upon request, by authorized representatives of the U.S. Environmental Protection Agency.

6.2 Inspection Requirements:

6.2.1 On at least a monthly basis, unless otherwise approved by the Permit issuing authority, the Permittee shall inspect its facility, at a minimum, for the following:

6.2.1.1 Determine if a discharge is occurring, has occurred since the previous inspection, and/or if a discharge is likely to occur before the next inspection. (Note: If a discharge has occurred or is likely to occur before the next inspection, perform the appropriate monitoring and reporting requirements in sections 4 and 7.4 of this Permit if it has not been completed.);

6.2.1.2 Determine if the valves at Internal Outfall 001D are arranged so that there is no discharge to Outfall 001 while the activities listed in Section 3.3 of this permit are ongoing;

6.2.1.3 Determine if valves and all other facility control devices are operational and in good condition;

6.2.1.4 Determine if there is a visible sheen, floating oil, floating solids and/or foam;

6.2.1.5 Determine if there is visible evidence of illicit dumping of wastes or other materials not authorized for discharge from the ISDS; and

6.2.1.6 Determine if proper operation and maintenance procedures are being undertaken at the facility with respect to the ISDS and Outfall 001D. See Section 6.3.

6.2.2 The Permittee shall maintain a log in either paper or electronic format recording information obtained during inspection activities. At a minimum, the notebook shall include the following:

6.2.2.1 Date and time of the inspection;

6.2.2.2 Name of the inspector(s);

6.2.2.3 The facility's discharge status;

6.2.2.4 The flow rate of the discharge if occurring;

6.2.2.5 The condition or status of all aspects required to be inspected in section 6.2.1;

6.2.2.6 Identification of operational problems and/or maintenance problems;

6.2.2.7 Corrective actions, as appropriate, to remedy identified problems, the planned date for each corrective action, and the actual date each corrective action was taken; and,

6.2.2.8 Other information, problems identified, or observations, as appropriate.

6.2.3 Problems identified during the inspection including, but not limited to, those associated with section 6.2.1 of the Permit, shall be corrected at the time of inspection, if possible. If they cannot be corrected at the time of the inspection, the inspector must identify and document a corrective action to remedy the problem(s), as well as a timeline for completion of the remedy. The corrective action shall be completed by the time specified. Corrective actions to remedy problem(s) shall be in line with and addressed through proper operation and maintenance (section 6.3 of the Permit). All problems identified during inspections, as well as associated corrective actions and timelines, shall be documented in the inspection log.

6.3 Proper Operation and Maintenance:

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the Permit.

6.3.1 Operation and Maintenance Program: The Permittee shall complete the following as part of the operation and maintenance program for the facility:

6.3.1.1 Have a current Operation and Management Manual(s) (O&M Manual(s)) that describes the proper operational procedures and maintenance requirements of the facility, as required by the previous permit, and make any necessary updates as soon as possible, but no later than six (6) months after the effective date of this Permit. Maintain and implement the O & M Manual(s);

6.3.1.2 Have the O&M Manual(s) readily available (e.g., on-site) to the operator of the facility and require that the operator become familiar with the manual(s) and any updates;

6.3.1.3 Have a documented schedule(s) for routine operation and maintenance activities at the facility; and,

6.3.1.4 Require the operator to perform the routine operation and maintenance requirements in accordance with the schedule(s) and document in a log them in accordance with 6.1.4.

6.3.2 Operation and Maintenance Log: The Permittee shall maintain a log in either paper or electronic format containing a summary record of all operation and maintenance activities at the facility. Activities shall be recorded within 48 hours of completing the activity. At a minimum, the log shall include the following information:

6.3.2.1 Date and time;

6.3.2.2 Name and title of person(s) making the log entry;

6.3.2.3 Name of the persons(s) performing the activity;

6.3.2.4 A brief description of the activity; and,

6.3.2.5 Other information, as appropriate.

7 Monitoring, Record Keeping, and Reporting Requirements

7.1 Representative Sampling:

All samples taken in compliance with the monitoring requirements established under section 4 shall be representative. Effluent samples shall be collected from the effluent stream prior to discharge into the receiving waters. Any influent samples shall be taken of the influent stream at the first influent access point, and if feasible prior to entering any treatment unit. Any receiving water samples shall be collected in a representative location of the receiving stream. Samples and measurements shall be representative of the volume and nature of the monitored activity, discharge, influent, receiving stream, or other monitored location.

7.2 Monitoring Procedures:

Monitoring must be conducted according to test procedures approved by EPA under 40 CFR Part 136 or is required under 40 CFR subchapters N or O, unless other test procedures have been specified in this Permit. The Permittee must select a test procedure that is Sufficiently Sensitive for all monitoring conducted in accordance with this Permit.

7.3 Penalties for Tampering:

The Act provides that any person who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under this Permit shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than two years, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

7.4 Reporting of Monitoring Results:

Upon the effective date of this Permit, the Permittee must electronically report discharge monitoring reports (DMRs) using NetDMR at the frequency and by the due dates specified in Table 5, below.

Table 5. DMR Compliance Monitoring Periods and Due Dates

Discharge Monitoring Report Schedule	
Reporting Period	**DMR Due Date**
January	February 28
February	March 28
March	April 28
April	May 28
May	June 28
June	July 28

July	August 28
August	September 28
September	October 28
October	November 28
November	December 28
December	January 28

Electronic submissions by permittees must be submitted to EPA Region 8 no later than the 28th of the month following the completed reporting period. The Permittee must sign and certify all electronic submissions in accordance with the Signatory Requirements (see section 9.7). NetDMR is accessed from the internet at https://usepa.servicenowservices.com/oeca_icis?id=netdmr_homepage.

In addition, the Permittee must submit a copy of the DMR to the state of Colorado. Currently, the Permittee may submit a copy to the state of Colorado by one of three ways:

1. a paper copy may be mailed;
2. the email address may be added to the electronic submittal through NetDMR; or,
3. the Permittee may provide viewing rights through NetDMR.

The following paragraph specifies how monitoring results collected more frequently than monthly should be reported on a monthly basis. For parameters with monthly monitoring frequencies, monitoring results obtained during the previous three (3) months shall be separately summarized for *each month* and reported in NetDMR by the dates listed in Table 6. For parameters with monitoring frequencies required more often than monthly (e.g., daily or monthly), monitoring results shall be separately summarized for each month in a similar manner as above, with the additional condition that the specific reporting requirements for some parameters are identified in Table 3 (Monitoring and Reporting Requirements) and its footnotes. One data point or no data indicator code must be reported for *each month* for each applicable column with an effluent limit or noted as "report only" in Table 3 for Internal Outfall 001D.

Additional requirements for data entered in NetDMR are as follows:

1. Requirements for the data values to report for each parameter (e.g., daily maximum, 30-day average, etc.) are included in section 4, Table 4.
2. If there is no data to report on the DMR for a parameter, enter the applicable no data indicator (NODI) code in NetDMR.
3. Enter the applicable measurement units.
4. In the number of excursions column ("# of Ex."), enter the total number of sample measurements during the monitoring period that exceed the maximum and/or average limit(s) or was below the minimum limit(s), as applicable, for all permit limits for each parameter; if none, enter "0."
5. For "Frequency of Analysis," enter the actual frequency of monitoring for the parameter (e.g., Cont," for continuous monitoring, "1/7" for one per week,

"1/30" for one per month, "2/30" for two per month, "1/90" for one per quarter, "1/180" for one per six months, "1/365" for one per year, etc.).

6. For "Sample Type," indicate the sample type collected.

7.5 Compliance Schedule Reporting:

N/A.

7.6 Other Reporting Requirements:

All reports shall be signed and certified in accordance with the Signatory Requirements (see section 9.7). Unless otherwise specified in the applicable section of the Permit, all paper reports shall be submitted to EPA Region 8, Enforcement and Compliance Assurance Division, Water Enforcement Branch and the state of Colorado at the addresses given below:

original to:

U.S. EPA, Region 8 (8ENF-W-NW)
Attention: NPDES and Wetlands Enforcement Section Supervisor
1595 Wynkoop Street
Denver, Colorado 80202-1129

copy to:

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

Prior to December 21, 2025, all other reports required herein (e.g., sections 7.10 and 7.11) as well as sewer overflow event reports, shall be signed and certified in accordance with the Signatory Requirements (see section 9.7), and submitted to EPA Region 8 and the state of Colorado at the addresses given above. Effective no later than December 21, 2025, these reports shall be submitted electronically using the NPDES Electronic Reporting Tool (NeT). If the NeT tool is not available on December 21, 2025, the reports can continue to be submitted to the addresses above until the tool is available unless otherwise indicated in compliance with this section and 40 CFR Part 3 (including, in all cases, subpart D to Part 3), 40 CFR §122.22, and 40 CFR Part 127.

7.7 Additional Monitoring by the Permittee:

If the Permittee monitors any pollutant in accordance with section 7.1 more frequently than required by this Permit, using test procedures approved under 40 CFR Part 136, another method as required under 40 CFR subchapter N, or as specified in this Permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted

in the DMR or sludge reporting. Such increased frequency shall also be indicated on the DMR.

7.8 Monitoring Records Contents:

Records of monitoring information shall include:

7.8.1 The date, exact place, and time of sampling or measurements;

7.8.2 The name(s) of the individual(s) who performed the sampling or measurements;

7.8.3 The date(s) analyses were performed;

7.8.4 The time(s) analyses were initiated;

7.8.5 The name(s) of individual(s) who performed the analyses;

7.8.6 References to and, when available, written procedures for the analytical techniques or methods used; and,

7.8.7 The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results when analysis is conducted by the Permittee.

7.9 Retention of Records:

The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original recordings for continuous monitoring instrumentation (e.g., strip charts, continuous electronic recording), copies of all reports required by this Permit, and records of all data used to complete the application for this Permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of EPA at any time. Data collected on site, data used to prepare the DMR, copies of DMRs, and a copy of this NPDES Permit must be maintained on site.

7.10 Twenty-Four Hour Notice of Noncompliance Reporting:

7.10.1 The Permittee shall orally report any noncompliance which may endanger health or the environment as soon as possible, but no later than twenty-four (24) hours from the time the Permittee first became aware of the circumstances. The report shall be made to a) EPA, Region 8, Superfund & Emergency Management Division at (303) 293-1788; b) Region 8's NPDES and Wetlands Enforcement Section at (800) 227-8917, and c) the state of Colorado.

7.10.2 The following occurrences of noncompliance and WET test failures shall be orally reported by telephone to EPA, Region 8's NPDES and Wetlands Enforcement Section at (800) 227-8917 (8:00 a.m. - 4:30 p.m. Mountain Time) and the state of Colorado within 24 hours of the Permittee becoming aware of the circumstances:

7.10.2.1 Any unanticipated bypass which exceeds any effluent limitation in the Permit (see section 8.6, Bypass of Treatment Facilities.);

7.10.2.2 Any upset which exceeds any effluent limitation in the Permit (see section 8.7, Upset Conditions);

7.10.2.3 Violation of a maximum daily discharge limitation for any of the pollutants listed in the Permit to be reported within 24 hours;

7.10.2.4 Sanitary sewer overflows;

7.10.2.5 Combined sewer overflows; and

7.10.3 For any noncompliance notification required under sections 7.10.1 or 7.10.2, a written report shall also be provided to the EPA, Office of Enforcement and Compliance Assurance Division, Water Enforcement Branch, and to the state of Colorado within five days of the time that the Permittee becomes aware of the circumstances. Reports shall be submitted to the addresses in section 7.6, Other Reporting Requirements.

7.10.4 The written report shall contain:

7.10.4.1 A description of the noncompliance and its cause;

7.10.4.2 The period of noncompliance, including exact dates and times;

7.10.4.3 The estimated time noncompliance is expected to continue if it has not been corrected;

7.10.4.4 Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and,

7.10.4.5 The signed certification statement required by the Signatory Requirements (see section 9.7).

7.10.5 An EPA delegated representative may waive the written report on a case-by-case basis for an occurrence of noncompliance listed under section 7.10.1 or 7.10.2 above, if the incident has been orally reported in accordance with the requirements of those sections.

7.11 Other Noncompliance Reporting:

Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for section 7.4 are submitted. The reports shall contain the information listed in section 7.10.4, and, if applicable, when the Permittee failed to comply with any applicable long-term combined sewer overflow control plan or other permit requirements.

7.12 Inspection and Entry:

The Permittee shall allow the EPA, or authorized representative (including an authorized contractor or authorized tribal inspector acting as a representative of EPA) upon presentation of credentials and other documents as may be required by law, to:

7.12.1 Enter upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Permit;

7.12.2 Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;

7.12.3 Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and,

7.12.4 Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

8 Compliance Responsibilities

8.1 Duty to Comply:

The Permittee must comply with all conditions of this Permit. Any failure to comply with the Permit may constitute a violation of the Clean Water Act and may be grounds for enforcement action; termination, revocation and reissuance, modification; or denial of a permit renewal application.

8.2 Penalties for Violations of Permit Conditions:

The Clean Water Act provides for statutory maximum and minimum civil and criminal monetary penalties for violations of its provisions. The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 requires EPA to make adjustments of statutory civil penalties on an annual basis according to a prescribed formula to reflect inflation, beginning in 2016. EPA has adjusted its civil monetary penalties effective January 6, 2023 (40 CFR Part 19). Please note that the civil penalties described below are reflective of the most recent Civil Monetary Penalty Inflation Rule the year this permit was issued and that civil penalties will have been adjusted annually thereafter. Civil penalties that EPA issues will therefore be reflective of the minimum amounts adjusted for inflation at the time of the violation. The civil and criminal penalties for violations of the Act are as follows:

8.2.1 Any person who violates Section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under Section 402, or any requirement imposed in a pretreatment program approved under Section 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed $64,618 per day for each violation.

8.2.2 Any person who negligently violates Section 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or any requirement imposed in a pretreatment program approved under Section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of $2,500 to $25,000 per day of violation, or imprisonment for not more than one year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than $50,000 per day of violation, or by imprisonment for not more than two years, or both.

8.2.3 Any person who knowingly violates Section 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or any requirement imposed in a pretreatment program approved under Section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of $5,000 to $50,000 per day of violation, or imprisonment for not more than three years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than $100,000 per day of violation, or imprisonment for not more than six years, or both.

8.2.4 Any person who knowingly violates Section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than $250,000 or imprisonment for not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than $500,000 or by imprisonment for not more than 30 years, or both. An organization, as defined in Section 309(c)(3)(B)(iii) of the Act, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than $1,000,000 and can be fined up to $2,000,000 for second or subsequent convictions.

8.2.5 Any person may be assessed an administrative penalty by the EPA for violating Section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of this Act. Where an administrative enforcement action is brought for a Class I civil penalty, the assessed penalty may not exceed $25,847 per violation, with a maximum amount not to exceed $64,618. Where an administrative enforcement action is brought for a Class II civil penalty, the assessed penalty may not exceed $25,847 per day for each day during which the violation continues, with the maximum amount not to exceed $323,081.

8.3 Need to Halt or Reduce Activity not a Defense:

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

8.4 Duty to Mitigate:

The Permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this Permit which has a reasonable likelihood of adversely affecting human health or the environment.

8.5 Removed Substances:

Collected screenings, grit, solids, or other pollutants removed in the course of treatment shall be buried or disposed in a manner consistent with all applicable federal, state, tribal, or local regulations (e.g., 40 CFR Part 257 [Criteria For Classification Of Solid Waste Disposal Facilities And Practices], 40 CFR Part 258 [Criteria For Municipal Solid Waste Landfills]). Digester supernatant and filter backwash shall not be directly blended with or enter either the final plant discharge and/or waters of the United States.

8.6 Bypass of Treatment Facilities:

8.6.1 Bypass not exceeding limitations: The Permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to sections 8.6.2 and 8.6.3.

8.6.2 Notice:

8.6.2.1 Anticipated bypass: If the Permittee knows in advance of the need for a bypass, it shall submit prior notice in accordance with section 7.6, Other Reporting Requirements, if possible at least 10 days before the date of the bypass to EPA Region 8 Enforcement and Compliance Assurance Division Water Enforcement Branch, and the state of Colorado.

8.6.2.2 Unanticipated bypass: The Permittee shall submit notice of an unanticipated bypass as required under section 7.10, Twenty-four Hour Notice of Noncompliance Reporting, to the EPA Region 8, Enforcement and Compliance Assurance Division, Water Enforcement Branch, and the state of Colorado.

8.6.3 Prohibition of bypass

8.6.3.1 Bypass is prohibited and the EPA may take enforcement action against a permittee for a bypass, unless:

8.6.3.1.1 The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

8.6.3.1.2 There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to

prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,

8.6.3.1.3 The Permittee submitted notices as required under section 8.6.2.

8.6.3.2 The EPA may approve an anticipated bypass, after considering its adverse effects, if the EPA determines that it will meet the three conditions listed above in section 8.6.3.1.

8.7 Upset Conditions:

8.7.1 Effect of an upset: An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based permit effluent limitations if the requirements of section 8.7.2 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 (i.e., Permittees will have the opportunity for a judicial determination on any claim of upset in an enforcement action brought for noncompliance with technology-based permit effluent limitations).

8.7.2 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:

8.7.2.1 An upset occurred and that the Permittee can identify the cause(s) of the upset;

8.7.2.2 The permitted facility was at the time being properly operated;

8.7.2.3 The Permittee submitted notice of the upset as required under section 7.10, Twenty-four Hour Notice of Noncompliance Reporting; and,

8.7.2.4 The Permittee complied with any remedial measures required under section 8.4, Duty to Mitigate.

8.7.3 Burden of proof: In any enforcement proceeding, the Permittee seeking to establish the occurrence of an upset has the burden of proof.

8.8 Toxic Pollutants:

The Permittee shall comply with effluent standards or prohibitions established under Section 307 (a) of the Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the Permit has not yet been modified to incorporate the requirement.

8.9 Discharge of Un-Permitted Toxic Pollutants:

Notification shall be provided to the EPA as soon as the Permittee knows of, or has reason to believe:

8.9.1 That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the Permit, if that discharge will exceed the highest of the following "notification levels":

8.9.1.1 One hundred micrograms per liter (100 µg/L);

8.9.1.2 Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;

8.9.1.3 Five (5) times the maximum concentration value reported for that pollutant in the Permit application in accordance with 40 CFR § 122.21(g)(7); or,

8.9.1.4 The level established by the EPA in accordance with 40 CFR § 122.44(f).

8.9.2 That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the Permit, if that discharge will exceed the highest of the following "notification levels":

8.9.2.1 Five hundred micrograms per liter (500 µg/L);

8.9.2.2 One milligram per liter (1 mg/L) for antimony;

8.9.2.3 Ten (10) times the maximum concentration value reported for that pollutant in the Permit application in accordance with 40 CFR § 122.21(g)(7); or,

8.9.2.4 The level established by the EPA in accordance with 40 CFR § 122.44(f).

8.10 Per- and Polyfluoroalkyl Substances (PFAS) Notification and Plan

If PFAS is detected in any effluent samples for any of the 40 PFAS parameters in Method 1633, the Permittee shall:

8.10.1 The first time during the permit term PFAS is detected, provide written notification to EPA within 14 calendar days of the Permittee receiving the PFAS testing results. Notification shall be sent in accordance with section 7.6. Notification shall include the laboratory data results.

8.10.2 Within one year of the Permittee receiving positive PFAS testing results, the Permittee shall perform and begin implementing a PFAS source identification and reduction plan (PFAS Plan). If the Permittee already has or is in the process of developing a PFAS Plan, the Permittee shall make any appropriate updates based on the new data. The initial PFAS Plan shall be submitted by this 365-day deadline in accordance with section 7.6. The PFAS Plan shall include, at a minimum, the following:

8.10.2.1 Identification of the source or suspected source of the PFAS pollutant(s);

8.10.2.2 Identification and implementation of BMPs to keep PFAS out of the effluent. This may include but is not limited to product substitution, reduction, or elimination for discharges with PFAS;

8.10.2.3 Accidental discharge minimization by optimizing operations and implementing good housekeeping practices;

8.10.2.4 Equipment decontamination or replacement where PFAS products have historically been used to prevent discharge of legacy PFAS following the implementation of product substitution;

8.10.2.5 BMPs to address PFAS-containing firefighting foams, where appropriate, and BMPs to address Aqueous Film Forming Foam (AFFF) used for firefighting such as:

8.10.2.5.1 Steps to prohibiting the use of AFFFs in stormwater other than for actual firefighting;

8.10.2.5.2 Eliminating PFOS- and PFOA-containing AFFFs; and

8.10.2.5.3 Implementing procedures to require the immediate clean-up in all situations where AFFFs have been used, including diversions and other measures that prevent discharges via storm sewer systems;

8.10.2.6 A plan for identifying future sources of PFAS in the influent and facility operations, a mechanism for reduction/elimination of those sources and, if removal is possible, treatment that will be implemented to reduce/remove PFAS from the effluent.

The Permittee shall create and maintain documentation of actions taken under the PFAS Plan, including the date. If elements of the PFAS Plan will take longer than 180 days to implement, the PFAS Plan shall justify the rationale for the time needed.

9 General Requirements

9.1 Planned Changes:

The Permittee shall give written notice to the EPA as soon as possible of any planned physical alterations or additions to the permitted facility. The notice shall be signed and certified in accordance with the Signatory Requirements (see section 9.7) sent to the address below:

U.S. EPA, Region 8 (8WD-CWW)
Attention: Wastewater Section Supervisor
1595 Wynkoop Street
Denver, Colorado 80202-1129

Notice is required only when:

9.1.1 The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are not subject to effluent limitations in the Permit [nor is it subject to the notification requirements for the discharge of toxic pollutants in section 8.9];

9.1.2 The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a New Source.

9.2 Anticipated Noncompliance:

The Permittee shall give advance notice to the EPA of any planned changes in the permitted facility or activity which may result in noncompliance with Permit requirements.

9.3 Permit Actions:

This Permit may be modified, revoked and reissued, or terminated for cause. 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.

9.4 Duty to Reapply:

If the Permittee wishes to continue an activity regulated by this Permit after the expiration date of this Permit, the Permittee must apply for and obtain a new permit. The application shall be submitted at least 180 days before the expiration date of this Permit, unless permission for a later date has been granted by the EPA. EPA cannot grant permission for applications to be submitted later than the expiration date of the existing permit.

9.5 Duty to Provide Information:

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

9.6 Other Information:

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

9.7 Signatory Requirements:

All applications, reports or information submitted to the EPA shall be signed and certified in accordance with the provisions below.

9.7.1 For a corporation. By a responsible corporate officer. A responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

9.7.2 For a partnership or sole proprietorship. By a general partner or the proprietor, respectively; or

9.7.3 For a municipality, State, Federal, or other public agency. By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

9.7.4 All reports required by the Permit and other information requested by the EPA shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

9.7.4.1 The authorization is made in writing by a person described above and is submitted to the EPA; and,

9.7.4.2 The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, operator of a well or well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

9.7.5 Changes to authorization: If an authorization under section 9.7.4 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of section 9.7.4 must be submitted to the EPA prior to or together with any reports, information, or applications to be signed by an authorized representative.

9.7.6 Certification: Any person signing a document under this section shall make the following certification:

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

9.8 Penalties for Falsification of Reports:

The Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this Permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than six months per violation, or by both.

9.9 Availability of Reports:

Except for data determined to be confidential under 40 CFR Part 2, Subpart B, all reports prepared in accordance with the terms of this Permit shall be available for public inspection. As required by the Act and 40 CFR § 122.7, permit applications, permits and effluent data shall not be considered confidential.

9.10 Property Rights:

The issuance of this Permit does not convey any property rights of any sort, or any exclusive privileges.

9.11 Severability:

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

9.12 Transfers:

This Permit is not transferable to any person except after notice and approval to the EPA, as described in the below provisions of this section. A permit may be automatically transferred to a new permittee if:

9.12.1 The current Permittee notifies the EPA at least 30 days in advance of the proposed transfer date at:

U.S. EPA, Region 8 (8WD-CWW)
Attention: Wastewater Section Supervisor
1595 Wynkoop Street
Denver, Colorado 80202-1129;

9.12.2 The notice includes a written agreement between the existing and new permittee containing a specific date for transfer of permit responsibility, coverage, and liability between them;

9.12.3 The notice includes the signed certification statement required by the Signatory Requirements (see section 9.7); and,

9.12.4 The EPA does not notify the existing Permittee and the proposed new permittee of the EPA's intent to modify, or revoke and reissue the Permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in section 9.12.2.

9.13 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 of the Act.

9.14 General Authorities:

Nothing in this Permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Act.

9.15 Reopener Provision:

This Permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limitations (and compliance schedule, if necessary), or other appropriate requirements if one or more of the following events occurs:

9.15.1 Water Quality Standards: The water quality standards of the receiving water(s) to which the Permittee discharges are modified in such a manner as to require different effluent limits than contained in this Permit.

9.15.2 Wasteload Allocation: A wasteload allocation is developed and approved by the state of Colorado and/or the EPA for incorporation in this Permit.

9.15.3 Water Quality Management Plan: A revision to the current water quality management plan is approved and adopted which calls for different effluent limitations than contained in this Permit.

9.15.4 If any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the Act for a toxic pollutant and that standard or prohibition is more stringent than any limitation on the pollutant in the permit, the EPA shall institute to modify or revoke and reissue the permit to conform to the toxic effluent standard or prohibition.

9.15.5 Toxicity Limitation: This Permit may be reopened and modified (following proper administrative procedures) to include whole effluent toxicity limitations if whole effluent toxicity is detected in the discharge.