Permit No.: CO-0020974

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

is authorized to discharge from the Air Force Academy's wastewater treatment facility located in the SW 1/4 of SW 1/4 of Section 19, Township 12 S, Range 66 W, latitude 38.984722° N and longitude 104.830000° W, El Paso County, Colorado,

to Non-Potable Reservoir No. 1 on Lehman Run and to Monument 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 February 1, 2015.

This permit and the authorization to discharge shall expire at midnight, December 31, 2019.

Signed this day of

_____
Authorized Permitting Official

Callie A Videtich
Acting Assistant Regional Administrator
Office of Partnerships and Regulatory Assistance
Title

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1.0 EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1.1. Definitions.

The *30-day (and monthly) average*, other than for microbiological organisms (e.g., bacteria, viruses, etc.), is the arithmetic average of all samples collected during a consecutive 30-day period or calendar month, whichever is applicable. 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.

The *7-day (and weekly) average*, other than for microbiological organisms (e.g., bacteria, viruses, etc.), is the arithmetic mean of all samples collected during a consecutive 7-day period or calendar week, whichever is applicable. 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.

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.

Daily Minimum (*Daily Min.*) is the minimum value allowable in any single sample or instantaneous measurement collected during the course of a day.

Grab sample, for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream.

Instantaneous measurement, for monitoring requirements, is defined as a single reading, observation, or measurement.

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 otherwise specified, the time between the collection of the first sample and the last sample shall not be less than six (6) hours, nor 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.

Bypass means the intentional diversion of waste streams from any portion of a treatment facility.

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.

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.

Director means the Regional Administrator of EPA Region 8 or an authorized representative.

EPA means the United States Environmental Protection Agency.

Storm Water means storm water runoff, snow melt runoff, and surface runoff and drainage.

CWA 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 CWA may be referred to as "the Act".

Sewage Sludge is any solid, semi-solid or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to, domestic septage; scum or solids removed in primary, secondary or advanced wastewater treatment processes; and a material derived from sludge.

Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works.

Acute Toxicity Test is a test to determine the concentration of effluent or ambient waters that causes an adverse effect (usually death) on a group of test organisms during a short-term exposure (e.g., 24, 48, or 96 hours). Acute toxicity is measured using statistical procedures (e.g. point estimate techniques or a hypothesis test).

Chronic Toxicity Test is a short-term test, usually 96 hours or longer in duration, in which sublethal effects (e.g., significantly reduced growth, reproduction) are usually measured in addition to lethality.
Inhibition Concentration (IC) is a point estimate of the toxicant concentration that would cause a given percent reduction in a non-lethal biological measurement (e.g., reproduction or growth), calculated from a continuous model (i.e., Interpolation Method). IC25 is a point estimate of the toxic concentration that would cause a 25-percent reduction in a non-lethal biological measurement.

Instream Waste Concentration (IWC) is the concentration of a toxicant in the receiving water after mixing. It is also referred to as the receiving water concentration (RWC).

Lethal Concentration, 50 Percent (LC50) is the toxic or effluent concentration that would cause death in 50 percent of the test organisms over a specified period of time.

Reasonable Potential (RP) is the likelihood that an effluent will cause or contribute to an excursion above a water quality standard based on a number of factors, including the use of data (e.g., whole effluent toxicity test data). In the context of this document, references to RP and WET limits include both lethal and sublethal effects.

Test Acceptability Criteria (TAC) are specific criteria for determining whether toxicity test results are acceptable, pursuant to EPA's WET test methods in 40 CFR 136 (additional TAC may be established by a State Permitting

Authority). The effluent and reference toxicant must meet specific criteria as defined in the test method (e.g., for the Ceriodaphnia dubia survival and reproduction test, the criteria are: 80% or greater survival of all control organisms and an average of 15 or more young per surviving female in the control solution. Of the surviving control females, 60% must produce three broods.)

Toxicity Identification Evaluation (TIE) is a set of site-specific procedures used to identify the specific chemical(s) causing effluent toxicity.

Toxicity Reduction Evaluation (TRE) is a site-specific study conducted in a step-wise process to identify the causative agents of effluent toxicity, isolate the source of toxicity, evaluate the effectiveness of toxicity control options, and then confirm the reduction in effluent toxicity after the control measures are put in place.

Whole Effluent Toxicity (WET) is the total toxic effect of an effluent measured directly with a toxicity test.

1.2. Description of Discharge 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 an 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.

Outfall Serial Number(s)	Description of Discharge Point(s)
001A	Discharge from the wastewater treatment facility to Monument Creek via an outfall line that goes from the southern end of the wastewater treatment facility to Monument Creek (latitude 38.982644° N longitude 104.830175° W). Unless noted otherwise noted in this permit, the sampling point for liquid samples of the effluent is the sampling point shown in Attachment A.
001B	Discharge from the wastewater treatment facility to Non-Potable Reservoir No. 1 on Lehman Run (latitude 38.998677° N longitude 104.835028° W). Unless noted otherwise noted in this permit, the sampling point for liquid samples of the effluent is the sampling point shown in Attachment A.

1.3. Specific Limitations and Self-Monitoring Requirements

1.3.1. Effluent Limitations

1.3.1.1. Effluent Limitations - Outfall 001A. Effective immediately and lasting through the life of this permit, there shall be no discharge from Outfall 001A except when it is impractical to discharge to Non-Potable Reservoir No. 1. When discharging from Outfall 001A, the quality of effluent discharged by the facility shall, except as noted, at a minimum, meet the limitations as set forth below:

Effluent Characteristic	Effluent Limitation		
	30-Day Average a/	7-Day Average a/	Daily Maximum a/
Flow, MGD	1.4	N/A	N/A
Carbonaceous Biochemical Oxygen Demand ($CBOD_5$), mg/L (Kg/day) b/	25 (132)	40 (212)	N/A
Total Suspended Solids , mg/L (Kg/day) b/	30 (159)	45 (238)	N/A
E. coli, no./100 mL	126	252	N/A
Total Residual Chlorine, ug/L d/	11 d/	N/A	19 d/
Total Inorganic Nitrogen, mg/L c/	N/A	N/A	13
Total Ammonia as N, mg/L			
January	15	N/A	23
February	13	N/A	18
March	14	N/A	18
April	10.5	N/A	23
May	10.5	N/A	21
June	10.2	N/A	22
July	10	N/A	24
August	10	N/A	24
September	9	N/A	20
October	9.4	N/A	12
November	12.8	N/A	16
December	12.7	N/A	16.5
The pH of the discharge shall not be less than 6.5 or greater than 9.0 at any time.			
There shall be no chronic toxicity at an instream waste concentration (IWC) of 56 percent of the final effluent from Outfall 001A.			
The concentration of oil and grease in any single sample shall not exceed 10 mg/L nor shall there be any visible sheen in the receiving water.			

a/ See Definitions, Part 1.1, for definitions.

b/ Percentage Removal Requirements (TSS and $CBOD_5$ Limitation): In addition to the concentration limits for total suspended solids and $CBOD_5$ indicated above, the arithmetic mean of the concentration for effluent samples collected in a 30-day consecutive period shall not exceed 15 percent of the arithmetic mean of the concentration for influent samples collected at approximately the same times during the same period (85 percent removal).

c/ For purposes of this permit, the term “total inorganic nitrogen (T.I.N.)” is defined as the sum of the concentrations of total ammonia nitrogen (as N) plus total nitrate and nitrite (or nitrate and nitrite individually) (as N).

d/ The TRC limits apply when the chlorination system is used. If not chlorinating during the reporting period, report “Not Chlorinating”.

1.3.1.2. Effluent Limitations - Outfall 001B. 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:

Effluent Characteristic	Effluent Limitation		
	30-Day Average a/	7-Day Average a/	Daily Maximum a/
Flow, MGD	1.4	N/A	N/A
Carbonaceous Biochemical Oxygen Demand ($CBOD_5$), mg/L (Kg/day) b/	25 (132)	40 (212)	N/A
Total Suspended Solids , mg/L (Kg/day) b/	30 (159)	45 (238)	N/A
Total Residual Chlorine, ug/L c/	11 c/	N/A	19 c/
E. coli, no./100 mL	126	252	N/A
Total Ammonia as N, mg/L			
January	5.1	N/A	13
February	4.7	N/A	11
March	3.2	N/A	7.3
April	1.9	N/A	6.1
May	2.4	N/A	7.9
June	3.0	N/A	10
July	2.3	N/A	9.7
August	1.9	N/A	7.9
September	2.3	N/A	8.7
October	3.4	N/A	11
November	3.7	N/A	11
December	3.7	N/A	8.9
The pH of the discharge shall not be less than 6.5 or greater than 9.0 at any time.			
There shall be no chronic toxicity at an instream waste concentration (IWC) of 100 percent of the final effluent from Outfall 001B.			
The concentration of oil and grease in any single sample shall not exceed 10 mg/L nor shall there be any visible sheen in the receiving water.			

a/ See Definitions, Part 1.1, for definitions.

b/ Percentage Removal Requirements (TSS and $CBOD_5$ Limitation): In addition to the concentration limits for total suspended solids and $CBOD_5$ indicated above, the arithmetic mean of the concentration for effluent samples collected in a 30-day consecutive period shall not exceed 15 percent of the arithmetic mean of the concentration for influent samples collected at approximately the same times during the same period (85 percent removal).

c/ The TRC limits apply when the chlorination system is used. If not chlorinating during the reporting period, report “Not Chlorinating”.

1.3.2. Self-Monitoring Requirements - Outfall 001A and Outfall 001B

1.3.2.1. Self-Monitoring Requirements. At a minimum, upon the effective date of this permit, 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. With the exception of temperature and flow, unless otherwise specified, all samples shall be collected at the sampling point shown in Attachment A of this permit. **Monitoring results from samples taken at the sampling point shown in Attachment A apply to both outfalls**. If no discharge occurs during the entire monitoring period for an outfall, it shall be stated on the Discharge Monitoring Report Form (EPA No. 3320-1) that no discharge or overflow occurred for that outfall**. If a discharge does occur from Outfall 001A, the permittee shall also submit, in letter format, an explanation of why it was necessary to discharge and the dates on which the discharge occurred**. It shall be submitted with the Discharge Monitoring Report Form. This shall be done for each monitoring period for which a discharge occurs from Outfall 001A

. Effluent Characteristic	Frequency	Sample Type a/	Practical Quantitation Limits, ug/L e/
Total Flow, mgd b/	Continuous	Recorder	
Temperature, ºC h/	Hourly	Recorder	
Carbonaceous Biochemical Oxygen Demand ($CBOD_5$), mg/L (Kg/day) l/	2/Week	Composite	1 mg/L
Carbonaceous Biochemical Oxygen Demand ($CBOD_5$), % Removal	Monthly	Calculate	
Total Suspended Solids, mg/L (Kg/day) l/	2/Week	Composite	g/
Total Suspended Solids, % Removal	Monthly	Calculate	
E coli, no./100 mL	2/Week	Grab	
pH, units	Daily	Grab	
Total Residual Chlorine, ug/L d/	Daily d/	Grab d/	100 ug/L
Oil and grease, visual c/	Daily	Visual c/	
Total Inorganic Nitrogen, mg/L i/	2/Week	Composite	0.5 mg/L
Total Ammonia as N, mg/L	2/Week	Composite	50 ug/L
Hardness, as $CaCO_3$, mg/L	Monthly	Composite	20 mg/L
Total Nitrogen, mg/L (Kg/day) j/	Monthly	Composite	0.5 mg/L
Total Phosphorus, mg/L (Kg/day) k/	Monthly	Composite	10 ug/L
Arsenic, TR, ug/L	Monthly f/	Composite	1 ug/L
Cadmium, PD, ug/L	Monthly f/	Composite	1 ug/L
Chromium, Total, ug/L	Monthly f/	Composite	20 ug/L
Chromium VI, Dis, ug/L	Monthly f/	Grab	20 ug/L
Copper, PD, ug/L	Monthly f/	Composite	5 ug/L

Iron, PD, ug/L	Monthly f/	Composite	10 ug/L
Iron, TR, ug/L	Monthly f/	Composite	10 ug/L
Lead, Dis, ug/L	Monthly f/	Composite	1 ug/L
Manganese, PD, ug/L	Monthly f/	Composite	2 ug/L
Mercury, Total, ug/L (Low-level)	Monthly f/	Composite	0.003 ug/L
Selenium, PD, ug/L	Quarterly f/	Composite	1 ug/L
Silver, PD, ug/L	Monthly f/	Composite	0.5 ug/L
Zinc, PD, ug/L	Quarterly f/	Composite	10 ug/L
Chloride, mg/L	Monthly f/	Composite	2 mg/L
Cyanide, Free, ug/L	Monthly f/	Composite	5 ug/L
Sulfate, mg/L	Monthly f/	Composite	5 mg/L
Sulfide, ug/L	Monthly f/	Grab	0.2 mg/L
Nonylphenol, ug/L	Monthly f/	Grab	10 ug/L D7065-06
Whole Effluent Toxicity - Chronic m/	See Part 1.3.2.2	Grab	

a/ See Definitions, Part 1.1, for definition of terms.

b/ 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) during the reporting period and the maximum flow rate observed (in mgd) shall be reported.

c/ A daily visual observation is required. 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.

d/ Monitoring for total residual chlorine only required if the effluent is chlorinated. If not chlorinating during the reporting period, report "Not Chlorinating".

e/ Practical Quantitation Limit (PQL) means the minimum concentration of an analyte (substance) that can be measured with a high degree of confidence that the analyte is present at or above that concentration. The method and procedures used to analyze for an effluent characteristic (e.g., cadmium) shall have a PQL no greater than specified in this table (e.g., PQL for cadmium no greater than 1 ug/L). **For purposes of this permit, analytical values less than the PQL shall be considered to be zero for purposes of determining averages**. **If all analytical results are less than the PQL, then "less than x", where x is the PQL, shall be reported on the Discharge Monitoring Report form. Otherwise, report the maximum observed value and the calculated average(s).**

f/ After one year of data have been collected, the permittee may request that the frequency of monitoring for this effluent characteristic be reduced to quarterly or eliminated based on a reasonable potential analysis of the data collected since the permit was issued. The reasonable potential analysis shall be done based on a lognormal distribution and a 95 percent confidence interval. **Based on the information submitted, the permit issuing authority may not make any change in the monitoring frequency, reduce the frequency of monitoring to quarterly or semi-annually, or delete the monitoring requirement for that effluent characteristic. This change may be made without going to public notice**.

g/ All analytical values for total suspended solids shall be used in calculating average concentrations and determining the maximum concentration for the reporting period.

h/ Beginning no later than six (6) months after the effective date of the permit, the permittee shall monitor the temperature of the effluent at a minimum frequency of hourly with values rounded to the nearest 0.1 °C. The "Weekly Average Effluent Temperature" (WAET) and the "Daily Maximum Effluent Temperature" (DMET) during the reporting period shall be reported. The WAET shall be based on the highest 7-day mean of daily average effluent temperature over a 7-day consecutive period. At least 4 days of the 7 days shall occur during

the reporting period. The DMET shall be based on the highest 2-hour mean of effluent temperature during the reporting period. The permittee may select the locations where the effluent temperatures will be monitored. Within 30 days of the effective date of this permit, the permittee shall notify the EPA and the WQCD in writing of the locations of the monitoring points for effluent temperature.
If any change is made in the monitoring location(s), the permittee shall notify the EPA and the WQCD of the new location(s) within 30 days of the change.

i/ For purposes of this permit, the term "total inorganic nitrogen (T.I.N.)" is defined as the sum of the concentrations of total ammonia nitrogen (as N) plus total nitrate and nitrite (or nitrate and nitrite individually) (as N).

j/ For the purposes of this permit, the term "total nitrogen (TN)" is defined as total Kjeldahl nitrogen plus nitrate-nitrite (or the components to calculate total nitrogen) (as N).

k/ For purposes of this permit "total phosphorus (TP)" may be determined by the analysis for total phosphorus or the analyses of the components to calculate total phosphorus.

l/ In addition to monitoring the final discharge, influent samples shall be taken and analyzed for this constituent at the same frequency as required for this constituent in the discharge.

m/ The permittee shall conduct chronic toxicity tests alternately using the *Ceriodaphnia dubia,* Method 1002.0, and *Pimephales promelas,* Method 1000.0. **Only one species is required to be tested during a routine chronic toxicity test**. Sampling for chronic WET tests must be collected using a minimum of three samples (e.g., collected on days one, three, and five) with a maximum holding time of 36 h before first use. The test results apply to both outfalls. Separate tests do not have to be done for each outfall.

1.3.2.2. Chronic Whole Effluent Toxicity (WET) Testing

Beginning with the effective date of this permit and continuing through the life of the permit, the permittee shall, **at least once every 10 months**, conduct a chronic toxicity test on a grab sample from the sampling point shown in Attachment A of this permit. The first test is to be done in June, 2015.

Sampling for chronic WET samples shall include a minimum of three samples collected on days one, three, & five. Samples must be chilled to 0 to 6°C and received by the WET laboratory within 36 hours for use in analysis during the chronic test.

The chronic toxicity tests shall be conducted in accordance with the procedures set out in the latest revision of "Short Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms", EPA-821/R-02/013 (October 2002).
The permittee shall conduct chronic toxicity tests alternately using the *Ceriodaphnia dubia,* Method 1002.0, and *Pimephales promelas,* Method 1000.0. **Only one species is required to be tested during a routine chronic toxicity test, on an alternating basis**. The laboratory shall use a multi-dilution test as specified below, consisting of five concentrations and a control. The five concentrations shall consist of 100%, 78%, 56%, 28% and 14%. The control water utilized for the test shall be moderately hard synthetic laboratory grade water, consistent with EPA WET manual laboratory specifications.

WET test results shall be reported on the Discharge Monitoring Report (DMR) submitted for the reporting period when the monitoring was conducted (e.g., WET test results for December shall be reported with the DMR due January 28, etc.). The laboratory data, including all chemical and physical data as specified in the method, shall also be submitted to the permitting issuing authority along with the DMR.

If toxicity occurs in a test, the permittee shall do the following:

(1) Notify the permit issuing authority within 48 hours of when the permittee learned of the initial test failure;

(2) Promptly take all reasonable measures necessary to immediately reduce toxicity; and

(3) Conduct an additional test within two weeks of the date of when the permittee learned of the test failure. If only one species fails, retesting may be limited to this species.

Should toxicity occur in the second test, the permittee shall immediately begin accelerated monthly testing until further notified by the permit issuing authority. Accelerated monthly testing is only required for the species that failed the initial and second tests.

In addition to the accelerated monitoring, the permittee shall perform a toxicity identification evaluation/toxicity reduction evaluation (TIE/TRE) as required by Part 1.3.3 of this permit to establish the cause of the toxicity, locate the source(s) of the toxicity, and develop control of, or treatment for, the toxicity.

Test results from additional toxicity testing conducted (i.e. two week retesting and monthly TIE/TRE testing) shall be reported by the 28th of the month following the test to the following address:

U.S. EPA, Region 8
Attn: Regional WET Coordinator
Wastewater Unit (8P-W-WW)
1595 Wynkoop Street
Denver, CO 80202-1129

The permit issuing authority may waive either or both requirements (2) or (3) with justification (e.g., the toxicity has been ongoing and the permittee is in the process of conducting a toxicity identification evaluation/toxicity reduction evaluation (TIE/TRE) as required in Part 1.3.3 of this permit).

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

Should toxicity occur in the second test following failure in the first test, the permittee shall initiate corrective actions as follows:

1.3.3.1. Where the source of toxicity is known the permittee shall:

1.3.3.1.1. Submit a TRE plan and schedule to attain compliance with the effluent toxicity-based permit limitations in Part 1.3.1. The plan and schedule shall be submitted to permit issuing authority **within 30 days** of the date of when the permittee learned of the second test failure.

1.3.3.1.2. The permitting authority will review the TRE plan and schedule, and may provide written comments to the permittee **within 14 days** of receipt of the TRE plan. A final TRE plan and schedule that addresses the EPA comments, if provided, shall be submitted to the permit issuing authority prior to the initiation of any activities specified in the TRE plan and schedule.

1.3.3.1.3. Initiate the TRE plan **within 7 days** after receiving comments from the EPA, if provided, or **within 60 days** of the date of when the permittee learned of the second test failure, **whichever occurs sooner**.

1.3.3.1.4. Alternately, if the source of toxicity is known and can immediately be controlled through operational changes, the permittee can return to compliance by follow-up testing, and if follow-up testing indicates a return to compliance the permittee may request relief from accelerated testing and/or completion of a TRE.

1.3.3.2. Where the source of is unknown and the toxicity cannot be immediately controlled through operational changes, the permittee shall:

1.3.3.2.1. Initiate a TIE and develop and implement a TRE plan and schedule to attain compliance with effluent toxicity-based permit limitations in Part 1.3.1 in accordance with the following schedule:

1.3.3.2.1.1. Submit a toxicity reduction (TRE) study plan detailing the toxicity reduction procedures to be employed and the schedule for completing the plan. The plan and schedule shall be submitted to the permit issuing authority **within 45 days** of the date of when the permittee learned of the second test failure. The EPA publications listed below shall be considered in developing the plan and schedule. Copies of the publications may be downloaded from the EPA website by searching for the document titles provided;

"Methods for Aquatic Toxicity Identification Evaluations, Phase I Toxicity Characterization Procedures", Second Edition, EPA/600/6-91/003, February 1991.

"Methods for Aquatic Toxicity Identification Evaluations, Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity", EPA/600/R-92/080, September 1993.

"Methods for Aquatic Toxicity Identification Evaluations, Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity", EPA/600/R-92 /081, September 1993.

"Toxicity Reduction Evaluation Guidance for Municipal Wastewater Treatment Plants", EPA/833B-99/002, August 1999.

"Generalized Methodology for Conducting Industrial Toxicity Reduction Evaluations (TREs)", EPA/600/2-88/070, April 1989.

1.3.3.2.1.2. The EPA will review the TRE plan and schedule, and may provide written comments to the permittee **within 14 days** of receipt of the TRE plan. A final TRE plan and schedule that addresses the EPA comments, if provided, shall be submitted to the permit issuing authority prior to the initiation of any activities specified in the TRE plan and schedule.

1.3.3.2.1.3. Initiate the TRE plan **within 60 days** of the date of when the permittee learned of the second test failure.

1.3.3.3. The permittee shall comply with the final schedule for implementing the TRE plan; failure to comply with the schedule is a violation of the permit. Any modification to the TIE/TRE plan schedule must be submitted to the permitting authority for review.

1.3.3.4. The permittee shall submit quarterly TIE/TRE progress reports, including summary of findings, corrective actions required, and data generated in accordance with the final schedule for implementing the TRE plan, to the permitting authority.

1.3.3.5. Complete the required construction necessary to implement the TRE controls as described in the final TRE report in accordance with the final schedule for implementing the TRE plan.

1.3.3.6. Achieve compliance with whole effluent toxicity-based permit limitations in Part 1.3.1 in accordance with the final schedule for implementing the TRE plan as soon as possible, but no later than the final compliance date specified in the final TRE plan and schedule.

1.3.3.7. Upon completion of the TIE/TRE, the permittee shall provide a written request to return to regular whole effluent toxicity monitoring and reporting as specified in Part 1.3.1 of the permit, to the permitting authority.

2.0 MONITORING, RECORDING AND REPORTING REQUIREMENTS

2.1. Representative Sampling. Samples taken in compliance with the monitoring requirements established under Part 1 shall be collected from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge. Sludge samples shall be collected at a location representative of the quality of sludge immediately prior to use-disposal practice.

2.2. Monitoring Procedures. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit. Sludge monitoring procedures shall be those specified in 40 CFR 503, or as specified in the permit.

2.3. 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. Second conviction is punishable by a fine of not more than $20,000 per day of violation, or by imprisonment of not more than four years, or both.

2.4. Reporting of Monitoring Results. Effluent monitoring results obtained during the previous month shall be summarized and reported on **one** Discharge Monitoring Report Form (EPA No. 3320-1), postmarked no later than the 28th day of the month following the completed reporting period. If no discharge occurs during the reporting period, "no discharge" shall be reported. Until further notice, sludge monitoring results may be reported in the testing laboratory's normal format (there is no EPA standard form at this time), but should be on letter size pages. Whole effluent toxicity (biomonitoring) results must be reported on the most recent version of EPA Region 8's Guidance For Whole Effluent Reporting. Legible copies of these, and all other reports required herein, shall be signed and certified in accordance with the Signatory Requirements (see Part 4), and submitted to the EPA Region 8 Policy, Information Management & Environmental Justice Program and the State of Colorado, at the addresses given below:

original to: U.S. EPA, Region 8
Policy, Information Management & Environmental Justice Program (8ENF-PJ)
Attention: Director
1595 Wynkoop Street
Denver, Colorado 80202-1129

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

2.5. Additional Monitoring by the Permittee. If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136, 40 CFR 503, 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. Such increased frequency shall also be indicated.

2.6. Records Contents. Records of monitoring information shall include:

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

2.6.2. The initials or name(s) of the individual(s) who performed the sampling or measurements;

2.6.3. The date(s) analyses were performed;

2.6.4. The time(s) analyses were initiated;

2.6.5. The initials or name(s) of individual(s) who performed the analyses;

2.6.6. References and written procedures, when available, for the analytical techniques or methods used; and,

2.6.7. The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.

2.7. Retention of Records. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. Records of monitoring required by this permit related to sludge use and disposal activities must be kept at least five years (or longer as required by 40 CFR 503). This period may be extended by request of the Director at any time. Data collected on site, data used to prepare the DMR, copies of Discharge Monitoring Reports, and a copy of this NPDES permit must be maintained on site.

2.8. Twenty-four Hour Notice of Noncompliance Reporting.

2.8.1. The permittee shall 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 the EPA, Region 8, Site Assessment/Emergency Response Program at (303) 293-1788, and the State of Colorado at (877) 518-5608.

2.8.2. The following occurrences of noncompliance shall be reported by telephone to the EPA, Region 8, NPDES Enforcement Unit at (800) 227-8917 (8:00 a.m. - 4:30 p.m. Mountain Time) and the State of Colorado at (303) 692-3590 (8:00 a.m. - 4:30 p.m. Mountain Time) by the first workday following the day the permittee became aware of the circumstances:

2.8.2.1. Any unanticipated bypass which exceeds any effluent limitation in the permit (See Part 3.7, Bypass of Treatment Facilities.);

2.8.2.2. Any upset which exceeds any effluent limitation in the permit (See Part 3.8, Upset Conditions.); or,

2.8.2.3. Violation of a maximum daily discharge limitation for any of the pollutants listed in the permit to be reported within 24 hours.

2.8.3. A written submission shall also be provided to the USEPA, Office of Enforcement, Compliance and Environmental Justice, and to the State of Colorado within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:

2.8.3.1. A description of the noncompliance and its cause;

2.8.3.2. The period of noncompliance, including exact dates and times;

2.8.3.3. The estimated time noncompliance is expected to continue if it has not been corrected; and,

2.8.3.4. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

2.8.4. The Director may waive the written report on a case-by-case basis for an occurrence of noncompliance listed under Part 2.8.2 above, if the incident has been orally reported in accordance with the requirements of Part 2.8.2.

2.8.5. Reports shall be submitted to the addresses in Part 2.4, Reporting of Monitoring Results.

2.9. Other Noncompliance Reporting. Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for Part 2.4 are submitted. The reports shall contain the information listed in Part 2.8.3.

2.10. Inspection and Entry. The permittee shall allow the State or the Regional Administrator, or authorized representative (including an authorized contractor acting as a representative of the Administrator) upon presentation of credentials and other documents as may be required by law, to:

2.10.1. 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;

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

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

2.10.4. 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.

3.0 COMPLIANCE RESPONSIBILITIES

3.1. 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, including, but not limited to permit termination, revocation and reissuance, modification, or denial of a permit renewal application. The permittee shall give the director advance notice of any planned changes at the permitted facility that will change any discharge from the facility, or of any activity that may result in failure to comply with permit conditions.

3.2. Penalties for Violations of Permit Conditions. The Clean Water Act provides for specified civil and criminal monetary penalties for violations of its provisions. However, the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, requires EPA to adjust the civil monetary penalties for inflation on a periodic basis.
EPA previously adjusted its civil monetary penalties on December 31, 1996 (61 Fed. Reg. 69359-69365), with technical corrections and additions published on March 20, 1997 (62 Fed. Reg. 13514-13517), June 27, 1997 (62 Fed. Reg. 35037-35041), February 13, 2004 (69 Fed. Reg. 7121-7127) and December 11, 2008 (73 Fed. Reg. 75340-75346). On November 6, 2013 (78 Fed. Reg. 66643-66648) EPA once again adjusted its civil monetary penalties. The civil and criminal penalties, as of December 6, 2013, for violations of the Act (including permit conditions) are given below:

3.2.1. 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 sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed $37,500 per day for each violation.

3.2.2. Any person who *negligently* violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of $2,500 to $25,000 per day of violation, or imprisonment for not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than $50,000 per day of violation, or by imprisonment for not more than 2 years, or both.

3.2.3. Any person who *knowingly* violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of $5,000 to $50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than $100,000 per day of violation, or imprisonment for not more than 6 years, or both.

3.2.4. 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 CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than $1,000,000 and can be fined up to $2,000,000 for second or subsequent convictions.

3.2.5. Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Where an administrative enforcement action is brought for a Class I civil penalty, the assessed penalty may not exceed $16,000 per violation, with a maximum amount not to exceed $37,500.
Where an administrative enforcement action is brought for a Class II civil penalty, the assessed penalty may not exceed $16,000 per day for each day during which the violation continues, with the maximum amount not to exceed $187,500.

3.3. 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.

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

3.5. 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. However, the permittee shall operate, at a minimum, one complete set of each main line unit treatment process whether or not this process is needed to achieve permit effluent compliance.

3.5.1. The permittee shall, as soon as reasonable and practicable, but no later than six (6) months after the effective date of this permit, do the following as part of the operation and maintenance program for the wastewater treatment facility:

3.5.1.1. Have a current O & M Manual(s) that describes the proper operational procedures and maintenance requirements of the wastewater treatment facility;

3.5.1.2. Have the O & M Manual(s) readily available to the operator of the wastewater treatment facility and require that the operator become familiar with the manual(s) and any updates;

3.5.1.3. Have a schedule(s) for routine operation and maintenance activities at the wastewater treatment facility; and,

3.5.1.4. Require the operator to perform the routine operation and maintenance requirements in accordance with the schedule(s).

3.5.2. The permittee shall maintain a daily log in a **bound notebook(s)** containing a summary record of all operation and maintenance activities at the wastewater treatment facility. At a minimum, the notebook shall include the following information:

3.5.2.1. Date and time;

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

3.5.2.3. Name of the persons(s) performing the activity;

3.5.2.4. A brief description of the activity; and,

3.5.2.5. Other information, as appropriate.

The permittee shall maintain the notebook in accordance with proper record-keeping procedures and shall make the log available for inspection, upon request, by authorized representatives of the U.S. Environmental Protection Agency or the State of Colorado.

3.6. Removed Substances. Collected screenings, grit, solids, sludge, or other pollutants removed in the course of treatment shall be buried or disposed in a manner consistent with all applicable federal and state regulations (i.e., 40 CFR 257, 40 CFR 258, 40 CFR 503) and in a manner so as to prevent any pollutant from entering any waters of the United States or creating a health hazard. **In addition, the use and/or disposal of sewage sludge shall be done under the authorization of an NPDES permit issued for the use and/or disposal of sewage sludge by the appropriate NPDES permitting authority for sewage sludge.** Sludge/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.

3.7. Bypass of Treatment Facilities.

3.7.1. 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 the provisions of Parts 3.7.2 and 3.7.3.

3.7.2. Notice:

3.7.2.1. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass to the USEPA, Technical Enforcement Program, and the State of Colorado.

3.7.2.2. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Part 2.8, Twenty-four Hour Noncompliance Reporting, to the USEPA, Technical Enforcement Program, and the State of Colorado.

3.7.3. Prohibition of bypass.

3.7.3.1. Bypass is prohibited and the Director may take enforcement action against a permittee for a bypass, unless:

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

3.7.3.1.2. 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,

3.7.3.1.3. The permittee submitted notices as required under Part 3.7.2.

3.7.3.2. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in Part 3.7.3.1.

3.8. Upset Conditions

3.8.1. 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 Part 3.8.2 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 only in an enforcement action brought for noncompliance with technology-based permit effluent limitations).

3.8.2. 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:

3.8.2.1. An upset occurred and that the permittee can identify the cause(s) of the upset;
3.8.2.2. The permitted facility was at the time being properly operated;

3.8.2.3. The permittee submitted notice of the upset as required under Part 2.8, Twenty-four Hour Notice of Noncompliance Reporting; and,

3.8.2.4. The permittee complied with any remedial measures required under Part 3.4, Duty to Mitigate.

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

3.9. 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.

3.10. Changes in Discharge of Toxic Substances. Notification shall be provided to the Director as soon as the permittee knows of, or has reason to believe:

3.10.1. 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":

3.10.1.1. One hundred micrograms per liter (100 ug/L);

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

3.10.1.3. 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,

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

3.10.2. 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":

3.10.2.1. Five hundred micrograms per liter (500 ug/L);

3.10.2.2. One milligram per liter (1 mg/L) for antimony:

3.10.2.3. 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,

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

4.0 GENERAL REQUIREMENTS

4.1. Planned Changes. The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

4.1.1. The alteration or addition could significantly change the nature or increase the quantity of pollutant discharged. This notification applies to pollutants which are not subject to effluent limitations in the permit; or,

4.1.2. There are any planned substantial changes to the existing sewage sludge facilities, the manner of its operation, or to current sewage sludge management practices of storage and disposal. The permittee shall give the Director notice of any planned changes at least 30 days prior to their implementation.

4.1.3. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source.

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

4.3. 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.

4.4. 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 should be submitted at least 180 days before the expiration date of this permit.

4.5. Duty to Provide Information. The permittee shall furnish to the Director, within a reasonable time, any information which the Director 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 Director, upon request, copies of records required to be kept by this permit.

4.6. 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 Director, it shall promptly submit such facts or information.

4.7. Signatory Requirements. All applications, reports or information submitted to the Director shall be signed and certified.

4.7.1. All permit applications shall be signed by either a principal executive officer or ranking elected official.

4.7.2. All reports required by the permit and other information requested by the Director 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:

4.7.2.1. The authorization is made in writing by a person described above and submitted to the Director; and,

4.7.2.2. 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, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

4.7.3. Changes to authorization. If an authorization under Part 4.7.2 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 Part 4.7.2 must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

4.7.4. 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."

4.8. 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.

4.9. Availability of Reports. Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Director. As required by the Act, permit applications, permits and effluent data shall not be considered confidential.

4.10. 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.

4.11. Property Rights. The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, tribal or local laws or regulations.

4.12. 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.

4.13. Transfers. This permit may be automatically transferred to a new permittee if:

4.13.1. The current permittee notifies the Director at least 30 days in advance of the proposed transfer date;

4.13.2. 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,

4.13.3. The Director does not notify the existing permittee and the proposed new permittee of his or her 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 Part 4.13.2.

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

4.15. 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:

4.15.1. 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.

4.15.2. Wasteload Allocation: A wasteload allocation is developed and approved by the State of Colorado and/or EPA for incorporation in this permit.

4.15.3. 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.

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

4.16.1. Toxicity was detected late in the life of the permit near or past the deadline for compliance.

4.16.2. The TRE results indicate that compliance with the toxic limits will require an implementation schedule past the date for compliance and the permit issuing authority agrees with the conclusion.

4.16.3. The TRE results indicate that the toxicant(s) represent pollutant(s) that may be controlled with specific numerical limits, and the permit issuing authority agrees that numerical controls are the most appropriate course of action.

4.16.4. Following the implementation of numerical controls on toxicants, the permit issuing authority agrees that a modified whole effluent protocol is necessary to compensate for those toxicants that are controlled numerically.

4.16.5. The TRE 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.

ATTACHMENT A

SAMPLING POINT FOR EFFLUENT FROM AIR FORCE ACADEMY
WASTEWATER TREATMENT FACILITY