From: Kevin Binkley [mailto:kbinkley@csu.org]
Sent: Friday, March 01, 2013 12:58 PM
To: Armstrong, Joan
Cc: Mark Pifher; Allison Mosser
Subject: SDS Permit Submittal

Hi Joan,

I hope you are well. In accordance with Mitigation Appendix Condition C-7, Item No. 2, attached please find copies of the hydrostatic testing water discharge permits for the S1 and S2 work packages. This permit for S3 was previously submitted earlier in 2012. The attached should complete the submittal of all of the permits required to be submitted under this condition for these three work packages related to the pipeline construction activities. I will be submitting the CDPHE air permit and stormwater reassignment acceptance for the S1 revegetation activities shortly.

Let me know if you have any questions or need more information.
Have a great weekend.
Best,
-Kevin.

Kevin Binkley
Permitting and Compliance Specialist
Southern Delivery System
Direct Line: 719.668.3748
Cell: 719.339.3394
Email: kbinkley@csu.org

Colorado Springs Utilities
It's how we're all connected

February 28, 2013

Ms. Joan Armstrong
Director of Planning & Development
Pueblo County
229 West 12th Street
Pueblo, CO 81003-2810

Subject: **SDS – Construction Permits for South Raw Water Pipeline Segments**

Dear Ms. Armstrong,

On behalf of the Southern Delivery System (SDS) Project Participants and pursuant to the Pueblo County 1041 Permit No. 2008-002, Mitigation Appendix Condition C-7, No. 2 - Permitting, we have enclosed copies of the following permits and related documents obtained by Colorado Springs Utilities and our General Contractors for the SDS Project for your records:

South 1 (S1):
- CDPHE Certification to Discharge Under CDPS General Permit COG604000, Hydrostatic Testing Operations, Certification No. COG604161
- CDPHE Administrative Extension of Permit No. COG604161

South 2 (S2):
- CDPHE Certification to Discharge Under CDPS General Permit COG604000, Hydrostatic Testing Operations, Certification No. COG604138
- CDPHE Termination to Discharge Under Permit No. COG604138

If you have any questions regarding the attached, please feel free to contact me directly at 719-668-8693.

Sincerely,

Mark Pifher
Permitting and Compliance Manager
Southern Delivery System

Attachments:
Permits and correspondence for indicated construction activities

STATE OF COLORADO

John W. Hickenlooper, Governor
Christopher E. Urbina, MD, MPH
Executive Director and Chief Medical Officer

Dedicated to protecting and improving the health and environment of the people of Colorado

4300 Cherry Creek Dr. S.
Denver, Colorado 80246-1530
Phone (303) 692-2000
Located in Glendale, Colorado

Laboratory Services Division
8100 Lowry Blvd.
Denver, Colorado 80230-6928
(303) 692-3090

http://www.cdphe.state.co.us

Colorado Department
of Public Health
and Environment

November 19, 2012

Jared Nessler, Const Mgr
H C P Constructors Inc
PO Box 15985
Colorado Springs, CO 80935

RE: Certification, Colorado Discharge Permit System –Hydrostatic Testing Operations
Permit Number COG604000 Certification Number: COG604161

Dear Mr. Nessler;

Enclosed please find a copy of the permit certification, which was issued under the Colorado Water Quality Control Act. **Please read the enclosed permit and certification.**

The Water Quality Control Division (the Division) has reviewed the application submitted for the Southern Deliver system Raw Water Pipeline S1 Segment facility and determined that it qualifies for coverage under the CDPS General Permit for **Hydrostatic Testing Operations** (the permit).

Discharge Specific Information

- The discharge is to the Arkansas River within Segment 2 of the Middle Arkansas River Sub-basin, Arkansas River Basin, found in the Classifications and Numeric Standards for the Arkansas River Basin (Regulation No. 32) (COSPMA02). Segment 2 is Reviewable, and is classified for the following beneficial uses: Aquatic Life, Class 1 Cold; Water Supply; and Agriculture.

- This certification does not authorize the discharge from any system that contains chemicals, nor can any chemicals be added to the water used in the hydrostatic testing. Chemicals and additives include, but are not limited to glycol, microbiological additives, and foaming agents.

Basis for Site Specific Parameters

Because potable water is the source water within the lines to be tested, effluent limitations for total residual chlorine have been added to the permit effluent limitations.

General Information

- **Permit Action Fees**: The Annual Fee for this certification is $630 [Category 26, Subcategory 2 Minimal Industrial Discharge per CRS 25-8-502] and is invoiced every July. Do Not Pay This Now. The initial invoice will be ***prorated*** and sent to the legal contact shortly.

- **Changes to the Certification:** Any changes that need to be made to the certification page – changes in outfalls, monitoring requirements, etc., must be submitted using the "Permit and Certification Modification form" available on our website: coloradowaterpermits.com, and signed by the legal contact.

- **Discharge Monitoring Reports (DMRs): D**MR forms will be mailed out within the next month. Reports must be submitted **monthly** as long as the certification is in effect. The permittee shall provide the Division with any additional monitoring data on the permitted discharge collected for entities other than the Division. This will be supplied to the Division within 48 hours of the receipt of the data by the permittee. If forms have not been received, please contact the Division at 303-692-3517.

- **Sampling Requirements:** Sampling shall occur at a point after treatment, or after the implementation of any Best Management Practices (BMPs). If BMPs or treatment are not implemented, sampling shall occur where the discharge

leaves control of the permittee, and prior to entering the receiving stream or prior to discharge to land. Samples must be representative of what is entering the receiving stream.

- **Termination requirements:** This certification to discharge is effective long term, even though hydrostatic testing discharges are only expected for approximately three months. For termination of permit coverage, the permittee must initiate this by sending the "CDPS Permits and Authorization Termination Form." This form is also available on our web site and must be signed by the legal contact.

- **Certification Records Information:** The following information is what the Division records show for this certification. For any changes to Contacts – Legal, Local, Billing, or DMR – a "Notice of Change of Contacts form" must be submitted to the Division. This form is also available on our web site and must be signed by the legal contact.

Facility: Southern Deliver system Raw Water Pipeline S1 Segment

County: Pueblo

Industrial Activities Hydrostatic testing of pipeline

SIC Code 4600 and 4922

Legal Contact *Receives all legal documentation, pertaining to the permit certification. [including invoice; is contacted for any questions relating to the facility; and receives DMRs as appropriate.]*

Jared Nessler, Const Mgr
H C P Constructors Inc
PO Box 15985
Colorado Springs, CO 80935

Phone number: 719-240-0461
Email: jnessler@hcpconstructors.com

Facility Contact *Contacted for general inquiries regarding the facility*

J J King, Proj Supt

Phone number: 719-240-1533
Email: jking@hcpconstructors.com

Billing Contact

Amanda Taulman A/P
H C P Constructors Inc
1850 W Platteville Blvd
Pueblo West, CO 81007

Phone number: 719-542-6977
Email: ataulman@asiconstructors.com

DMR Contact

Shannon Steiner, Environmental Representative
Kodiak Development Group, INC
PO Box 15985
Colorado Springs, CO 80935

Phone number:719-201-0003
Email: steinershan@hotmail.com

If you have any other questions please contact me at 303-692-3392.

Sincerely,

Maura McGovern, Permit Writer
WATER QUALITY CONTROL DIVISION

Enclosures: Certification page; General Permit

xc: Regional Council of Government
Pueblo County, Local County Health Department
D.E., Technical Services Unit, WQCD
Permit File

/dkj
cdw cert 2010

CERTIFICATION TO DISCHARGE UNDER CDPS GENERAL PERMIT COG604000
HYDROSTATIC TESTING OPERATIONS

Colorado Department of Public Health and Environment

Certification Number: **COG604161**

This Certification to Discharge specifically authorizes:

H C P Constructors Inc

to discharge from the facility identified as

Southern Deliver system Raw Water Pipeline S1 Segment

to: Ditch to Arkansas River

Facility Located at Juniper Rd & Pueblo Dam Access Rd, Pueblo County, Pueblo, CO 81007
Facility Location Latitude 38.277, Longitude -104.72

Outfall Number 001A	The test effluent will be treated with CO_2 before it is discharged to a ditch* to the Arkansas River at a location with Latitude/Longitude coordinates 38.277, -104.72. The estimated discharge flow rate is 750 GPM.
Outfall Number 002A	The test effluent will be treated with CO_2 before it is discharged to a ditch* to the Arkansas River at a location with Latitude/Longitude coordinates 38.289, -104.701. The estimated discharge flow rate is 350 GPM.
Outfall Number 003A	The test effluent will be treated with CO_2 before it is discharged to a ditch* to the Arkansas River at a location with Latitude/Longitude coordinates 38.291, -104.70. The estimated discharge flow rate is 350 GPM.
Outfall Number 004A	The test effluent will be treated with CO_2 before it is discharged to a ditch* to the Arkansas River at a location with Latitude/Longitude coordinates 38.298, -104.688. The estimated discharge flow rate is 350 GPM.
Outfall Number 005A	The test effluent will be treated with CO_2 before it is discharged to a ditch* to the Arkansas River at a location with Latitude/Longitude coordinates 38.30, -104.693. The estimated discharge flow rate is 350 GPM.
Outfall Number 006A	The test effluent will be treated with CO_2 before it is discharged to a ditch* to the Arkansas River at a location with Latitude/Longitude coordinates 38.301, -104.69. The estimated discharge flow rate is 350 GPM.
Outfall Number 007A	The test effluent will be treated with CO_2 before it is discharged to a ditch* to the Arkansas River at a location with Latitude/Longitude coordinates 38.277, -104.72. The estimated discharge flow rate is 750 GPM.

*All discharges must comply with the lawful requirements of federal agencies municipalities, counties, drainage districts and other local agencies regarding any discharges to storm drain systems, conveyances, or other water courses under their jurisdiction.

Permit Limitations and Monitoring Requirements apply as outlined in the Permit Part I.B and Part I.C

Parameter	Units	Discharge Limitations Maximum Concentrations Daily Max.	Monitoring Frequency[1]	Sample Type
APPLICABLE TO ALL DISCHARGES AS LISTED IN GENERAL PERMIT				
pH (Minimum-Maximum) 00400	s.u.	6.5-9.0	2X/discharge	In-situ
Total Suspended Solids 00530	mg/l	30	2X/discharge	Grab
Oil and Grease[3] 03582	mg/l	10	2X/discharge	Grab[3]
Flow, 50050	GPM	Report[2]	2X/discharge	Instantaneous or Continuous
Oil and Grease Visual [3] 84066		Report[3]	2X/discharge	Visual[3]
Iron (Potentially Dissolved) 01317	ug/l	300	2X/discharge	Grab

SITE SPECIFIC PARAMETERS				
Total Residual Chlorine 50060	mg/l	0.019	2X/discharge	Grab

1 Samples will be taken during the first and last hour of discharge. If the discharge is less than an hour, then the samples will be collected during the first and last 15 minutes of discharge. The sample point will be immediately following the discharge from the pipeline or vessel. If the discharge is going through BMPs or treatment then sampling point shall be after such BMPs/treatment and prior to discharge to State Waters.

2 Flow can be measured with a recorder or determined from estimates based on volume of fill water, dimension of the pipeline, or volume of the vessel filled with water.

3 There shall be no visual sheen. A visual observation for Oil and Grease is required twice per discharge. If a visible sheen is detected, a grab sample must be collected at the frequency established in the monitoring table above. If a visual sheen is not detected, a grab sample is not required.

Certification is issued 11/19/2012 **Effective 11/19/2012** **Certification Expires:** 12/31/2012
This certification under the permit requires that specific actions be performed at designated times. The certification holder is legally obligated to comply with all terms and conditions of the permit.

Signed,

Nathan Moore
Construction, MS4, & Pretreatment Unit Manager
Water Quality Control Division

CDPS GENERAL PERMIT

DISCHARGES ASSOCIATED WITH HYDROSTATIC TESTING OF PIPELINES, TANKS, AND SIMILAR VESSELS

AUTHORIZATION TO DISCHARGE UNDER THE

COLORADO DISCHARGE PERMIT SYSTEM

In compliance with the provisions of the Colorado Water Quality Control Act, (25-8-101 et seq., CRS, 1973 as amended) and the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.; the "Act"), facilities discharging wastewater from **hydrostatic testing of pipelines, storage tanks, and similar vessels** that are determined to be of minimal impact are authorized to discharge from approved locations throughout the State of Colorado to ground and/or surface waters of the State. Such discharges shall be in accordance with the conditions of this permit.

This permit specifically authorizes the permittee listed on page 1 of this permit, which is the facility certification, to discharge process generated wastewaters as of the date stated on page 1, in accordance with the permit requirements and conditions set forth in Parts I and II hereof and the facility certification. All discharges authorized herein shall be consistent with the terms and conditions of this permit.

Any party, including those currently certified under this general permit, may demand an adjudicatory hearing within thirty days of the issuance of the final permit determination, per the Colorado Discharge Permit System Regulations, Regulation No. 61 (5 CCR 1002-61). Should a party choose to contest any of the effluent limitations, monitoring requirements or other conditions contained herein, the party must comply with Section 24-4-104 CRS and the Colorado Discharge Permit System Regulations. Failure to contest any such effluent limitation, monitoring requirement, or other condition, constitutes consent to the condition by the party.

This permit and the authorization to discharge shall expire at midnight, **December 31, 2012**

Issued and Signed this 25th day of September, 2007

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Janet Kieler

Janet Kieler, Permits Section Manager
Water Quality Control Division

ISSUED AND SIGNED SEPTEMBER 25, 2007

EFFECTIVE DATE JANUARY 1, 2008

TABLE OF CONTENTS

PART I

A. COVERAGE UNDER THIS PERMIT

1. Eligibility

To be considered eligible for authorization to discharge under the terms and conditions of this permit, the owner or operator of any facility desiring to discharge **hydrostatic test water from the testing of new or used pipes, storage tanks, and similar vessels** to ground and/or surface waters of the State must submit a complete permit application form obtained from the Division. This also includes flushing. At least thirty days prior to the anticipated date of discharge, the application shall be submitted to:

Colorado Department of Public Health and Environment
WQCD-P-B2
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

The specific application for this general permit ,with instructions, is available as a hardcopy for pick-up, by calling (303) 692-3500, or online at the Division's website:
http://www.cdphe.state.co.us/wq/PermitsUnit/Industrial/index.html
The Division has thirty days after receipt of the above information to request additional data and/or deny the authorization for any particular discharge. Upon receipt of additional information, the Division has an additional thirty days to issue or deny authorization for the particular discharge.

If the Division determines that the operation does not fall under the authority of the general permit, then the information received will be treated as application for an individual permit. In such case, discharge is not allowed until a permit is issued, which may take 180 days.

This general permit will expire on **December 31, 2012**. The Division must evaluate this general permit at least once every five years and must also recertify all existing permittees' authority to discharge under the general permit at such time. Permittees desiring continued coverage under this general permit must re-apply 180 days prior to the expiration date of this general permit. The Division will review all applications and determine on a case-by-case basis if permittees are eligible to continue to operate under the terms of the general permit. An application for an individual permit will be required for any point source discharge not reauthorized to discharge under the reissued general permit.

2. Application Requirements

The application referenced above will require the following information:

a. Name, address, and descriptive location of the facility, including latitude and longitude. In the scenario where the discharge is not from a facility but from a linear project include a description of the location of the discharges, including the latitude and longitude of each approximate discharge location;
b. Names and contact information for legal contact and principal in charge of the project or operation of the facility;
c. Description of the type of activity resulting in the discharge, including the anticipated duration of the activity and/or the discharge, anticipated volume and rate of discharge, and the source of water, which is to be discharged;
d. Name of potential receiving State Waters, (including irrigation ditches, intermittent streams, dry drainage, and groundwater);
e. Where pollutants are expected in the discharge, a description of the wastewater treatment system, recycle/reuse, or BMPs utilized that will effectively and consistently meet all applicable effluent limitations (failure to provide satisfactory treatment may result in immediate denial);
f. A topographic map showing the general geographical location of the facility and/or discharge(s) and any nearby landfills, mine or mill tailings, or drinking water intakes;
g. A sketch of the facility and/or project showing all structures, discharge points, sampling locations, and receiving waters, as well as storage locations of any petroleum or chemicals on site;
h. A chemical analysis of the water to be discharged (only if requested by permit writer), if used pipelines are being tested expect that the Division will request chemical analysis;

3. Certification Requirements

Under this general permit, facilities performing **hydrostatic testing of pipelines, storage tanks, and similar vessels** may be granted authorization to discharge process generated wastewater effluent to ground and/or surface waters of the State of Colorado. Both new and used vessels are covered under this permit although different effluent limitations apply to each.

An entity can be granted blanket coverage under this permit when hydrostatic testing of multiple pipes, tanks, or similar vessels is being performed in the same geographic area providing common permit terms and conditions are appropriate. The certification will describe the physical boundaries authorized under that certification and any special conditions that may apply.

B. TERMS AND CONDITIONS

1. Narrative Limitations and Exclusions

The following limitations shall apply to all discharges covered by this permit:

a. Industrial discharges from hydrostatic testing of pipelines, storage tanks, and similar vessels shall not cause, have the reasonable potential to cause, or measurably contribute to an exceedance of water quality standard, including narrative standards for water quality.

b. Chemicals may not be added to the discharge unless the Division grants specific permission, which will be stated in the certification to discharge. In granting the use of chemicals, special conditions and monitoring requirements may be addressed in the certification to discharge.

c. There shall be no discharge of solid animal or food waste, vegetative wastes (grass, leaves, manure, garbage, etc.), or any floating solids or visible foam in other than trace amounts.

d. For dischargers that meet the conditions described in section I.B.3 and are implementing a Best Management Practices (BMP) Plan as required in section I.B.4, the Division reserves the right to require sampling and testing, on a case-by-case basis, in the event that there is reason to suspect that compliance with the permit and BMP Management Plan is a problem, or to measure the effectiveness of the BMP's in removing pollutants in the effluent.

e. The Division reserves the right to require the permittee to submit their BMP Management Plan(s) for review.

f. All discharges must comply with the lawful requirements of federal agencies, municipalities, counties, drainage districts, and other local agencies regarding any discharges to storm drain systems, conveyances, or other water courses under their jurisdiction. In addition, prior to the discharge the permittee must notify the owner of the system of the date, approximate time, location, and duration of the discharge(s).

g. Continuous discharges are not covered under this permit. Only discharges expected to be of short duration may be covered.

2. Numeric Effluent Limitations and Monitoring Requirements

In accordance with the Water Quality Control Commission Regulations for Effluent Limitations, Section 62.4. (5 CCR 1002-62), and the Colorado Discharge Permit System Regulations, Section 61.8.(2) (5 CCR 1002-61), the permitted discharge shall not contain effluent parameter concentrations which exceed the following limitations. For discharges that meet the requirements for being exempt from effluent limits and require the implementation of a BMP Management Plan, see section I.B.3 and I.B.4 of this permit.

Discharges authorized under this permit are considered temporary in nature due to their expected short duration.

a. Numeric Effluent Limitations and Monitoring Requirements for **New** pipelines, tanks, or other similar vessels

Effluent Parameter	Discharge Limitations	Monitoring Frequency[1]	Sample Type
	Daily Max		
Flow, gpm	Report[2]	2 X/ discharge	Estimate
Total Suspended Solids, mg/l	30	2 X/ discharge	Grab
Oil and Grease, mg/l[3]	10	2 X/ discharge	Visual/Grab
pH, s.u.	6.5-9.0	2 X/ discharge	In-situ
Dissolved Iron, mg/l	0.3	2 X/ discharge	Grab
Site-specific[4]			
Total Residual Chlorine, mg/l	0.019	2 X/ discharge	In-situ
Other Pollutants, units	Limit	2 X/ discharge	Grab
Other Pollutants, units	Report	2 X/ discharge	Grab
Total Dissolved Solids, mg/l[5]	Report	2 X/ discharge	Grab
Total Phosphorus, mg/l[6]	0.05	2 X/ discharge	Grab
Total Phosphorus, mg/l[6]	Report	2 X/ discharge	Grab

b. Numeric Effluent Limitations and Monitoring Requirements for **Used** pipelines, tanks, or other similar vessels

Effluent Parameter	Discharge Limitations	Monitoring Frequency[1]	Sample Type
	Daily Max		
Flow, gpm	Report[2]	2 X/ discharge	Estimate
Total Suspended Solids, mg/l	30	2 X/ discharge	Grab
Oil and Grease, mg/l[3]	10	2 X/ discharge	Visual/Grab
pH, s.u.	6.5-9.0	2 X/ discharge	In-situ
Total Recoverable Iron, mg/l	1.0	2 X/ discharge	Grab
Dissolved Iron, mg/l	0.3	2 X/ discharge	Grab
Site-specific[4]			
Total Residual Chlorine, mg/l	0.019	2 X/ discharge	In-situ
Benzene, mg/l	0.0022	2 X/ discharge	Grab
Toluene, mg/l	1.0	2 X/ discharge	Grab
Ethyl Benzene, mg/l	0.530	2 X/ discharge	Grab
Xylenes, mg/l	1.4	2 X/ discharge	Grab
Other Pollutants, units	Limit	2 X/ discharge	Grab
Other Pollutants, units	Report	2 X/ discharge	Grab
Total Dissolved Solids, mg/l[5]	Report	2 X/ discharge	Grab
Total Phosphorus, mg/l[6]	0.05	2 X/ discharge	Grab
Total Phosphorus, mg/l[6]	Report	2 X/ discharge	Grab

1 Samples will be taken during the first and last hour of discharge. If the discharge is less than an hour, then the samples will be collected during the first and last 15 minutes of discharge. The sample point will be immediately following the discharge from the pipeline or vessel. If the discharge is going through BMPs or treatment then sampling point shall be after such BMPs/treatment and prior to discharge to State Waters. If the same hydrotesting program is conducted in more than one location along an extensive pipleline, then the monitoring frequency can be adjusted on a site-specific basis with support for this decision provided in the certification.

2 Flow can be measured with a recorder or determined from estimates based on volume of fill water, dimension of the pipeline, or volume of the vessel filled with water.

3 There shall be no visual sheen. If a visual sheen is detected a grab sample is required.

4 Limits will be established on a site-specific basis for additional parameters. For example if the fill water is a drinking water supply, then total residual chlorine monitoring will be required. See Part I.B.2.d of this permit.

5 Monitoring is required only for discharges within the Colorado River Basin

6 Monitoring and/or numeric effluent limits may apply to discharges to watersheds with a control regulation for Phosphorus.

c. Water Quality Standards – Site-specific limitations for additional parameters will be added on a case-by-case basis that are equivalent to the water quality standards found in The Basic Standards and Methodologies for Surface Water (5 CCR 1002-31) or The Basic Standards for Ground Water (5 CCR 1002-41), as appropriate, and will be specified in the certification along with appropriate monitoring frequencies.

d. Chemical Addition – All chemicals that are or may be in the discharge are subject to review and approval. A Material Safety Data Sheet (MSDS) showing aquatic toxicity data shall be submitted with the permit application. The permit writer will review the MSDS and any other applicable information prior to approval. If additional pollutants may be discharged as a result of the chemical addition, limitations and/or monitoring may be added to those in the table above to assure constituents in the chemicals do not violate water quality standards.

e. Volume of Water Discharged (Flow) – A flow limit may apply. See the individual certification rationale for the flow limit applicable to the facility. Either a flow measuring device or an approved alternate determination of the total volume and total time of discharge may be used for effluent flow monitoring; see footnote 2 from tables above.

f. Salinity Monitoring – In compliance with the Colorado River Salinity Standards (Regulation No. 39) and the Colorado Discharge Permit System Regulations (Regulation No. 61), all permittees in the Colorado River basin shall monitor for total dissolved solids (TDS). Samples shall be taken at all authorized outfalls. If TDS monitoring is a requirement of the permit then it shall be included in the site-specific certification. Additional monitoring for TDS shall be included on the DMR and shall be subject to the permit's monitoring and reporting requirements. TDS sampling shall be taken as a grab sample.

g. Control Regulations—Control regulations exist to place additional limits on discharges to surface waters in five watersheds – Dillon Reservoir, Cherry Creek Reservoir, Chatfield Reservoir, Cheraw Lake, and Bear Creek Reservoir. The total available wasteloads (i.e., phosphorus) have been allocated in these regulations to various point and non-point sources that discharge on these watersheds. Certifications for discharges to these watersheds may include limitations and/or monitoring requirements for the parameters specified in the regulation.

h. Discharges to 303(d) listed waters – Since the effluent limits are equal to the water-quality standards and the discharge is expected to be short-term or intermittent, the assumption is that the discharge will not further impair the quality of the receiving water for the 303(d)-listed parameters.

i.. Discharging to Ground Water – Facilities permitted under this general permit may discharge to ground water via land application, infiltration ponds or other approved means. Because the standards for groundwater are based on water supply and agricultural uses, which also apply to surface waters of the state, the Division has determined that discharges that are protective of surface water standards are also protective of groundwater standards, unless a more stringent site-specific groundwater standard has been adopted. The Division will include a site-specific limit in the certification or require coverage under an individual permit as needed to implement more stringent site-specific groundwater standards. Certain discharges, due to proximity to alluvial water associated with nearby surface slow, are considered to be hydrologically connected to this surface flow and will be considered a discharge to surface water. If a permittee desires to discharge to ground water via approved means, the permittee shall demonstrate in the application by what method effluent will be discharged to ground water, and how and where effluent can be monitored prior to discharge to ground water. All applicable effluent limitations will be met prior to application to the land.

j. Additional Monitoring – The Division reserves the right to request monitoring of additional pollutants to measure the effectiveness of Best Management Practices (BMP's) in removing pollutants in the effluent (see Part I.B.3. and 4. of this permit). Such monitoring shall be implemented, where appropriate, as described in the facility's certification.

3. Exemptions From Numeric Effluent Limitations and Monitoring Requirements

The Division may exempt the need to impose numeric effluent limitations and monitoring requirements in an applicants certification to discharge if all of the following conditions can be met. In addition, the permittee will be required to create and implement a BMP Management Plan (See Part I.B.4).

a. The pipelines or vessels being tested are new;
b. If groundwater is the source water used in the testing, there shall be no evidence of contamination (the Division may request analysis upon review of the application);
c. The flow rate is minimal, intermittent and short-term;
d. No additives have been added to the 'Source Water'
e. The discharge is not to a 303 (d) listed segment impaired for sediment, pH, or Dissolved Iron;
f. The permittee (applicant) does not have a history of non-compliance with the previous MINDI permit for discharges associated with hydrostatic testing; and
g. The applicant prepares a working and functioning Best Management Practice (BMP) Management Plan

Upon review of the application, the Division will determine if all of the above mentioned conditions can be met to allow for an exemption of numeric effluent limits and monitoring requirements. The certification to discharge will state whether numeric effluent limitations and monitoring requirements will be a condition of the permit or whether compliance with a BMP Management Plan will be a condition of the permit.

4. Best Management Practices (BMP) Management Plan

Applicants who can meet the conditions stated in Part I.B.3 and believe numeric effluent limitations should not be applicable and compliance with a BMP Management plan would sufficiently protect water quality shall prepare a BMP Management Plan prior to discharge. A copy of the BMP Plan shall be kept on site and updated whenever necessary to adequately represent field conditions. The BMP Plan DOES NOT need to be submitted to the Division unless specifically requested.

The permittee shall implement and maintain the BMP Plan for the prevention of erosion and the control of solid and liquid pollutants due to the discharge. The procedures in the plan must be followed for each discharge.

a. The BMP Management Plan shall include the following items, at a minimum:

1. **Location of the Discharge**--Name, address, and descriptive location of the facility, including latitude and longitude. In the scenario where the discharge is not from a facility but from a linear project include a

description of the location of the discharges, including the latitude and longitude of each approximate discharge location.

2. **Legal Contact Information**--Names and contact information for legal contact and principal in charge of project or operation of the facility;

3. **Description of the Discharge**--Description of the type of activity resulting in the discharge, including the anticipated duration of the activity and/or the discharge, anticipated volume and rate of discharge, and the source of water, which is to be discharged;

4. **Identify the Receiving Stream**--Name of potential receiving State Waters, (including irrigation ditches, intermittent streams, dry drainage, and groundwater);

5. **Overview Map**--A topographic map showing the general geographical location of the facility and/or project, identify the location of the discharge(s), and any nearby landfills, mine or mill tailings,

6. **Site Map**—A site map containing the following:

   a. A sketch of the facility and/or project boundary,
   b. A sketch showing all structures including storage locations of any petroleum or chemicals on site,
   c. The location of the discharge points (numbered),
   d. The location of the receiving waters,
   e. The location of the BMPs selected to reduce the pollutant sources identified

7. **Potential Pollutant Sources**--Identify all potential pollutants which may reasonably be expected in the discharge or expected to effect the discharge;

   At a minimum, each of the following sources and activities shall be evaluated for the potential to contribute pollutants to the discharge, and identified in the BMP Management Plan if found to have such potential:

   a. The potential for Total Suspended Solids to be in the discharge, there shall be no sludge banks or deposition of solids downstream from the discharge;
   b. The potential for Oil and Grease to be in the discharge; there shall be no visible sheen in the discharge;
   c. The potential for debris from inside the new pipeline or vessel to be in the discharge; there shall be no visible evidence of solids or debris in the discharge;
   d. The potential for pollutants to be in the discharge as a result of the source water, (i.e., if the source water is from a drinking water supply, chlorine is a potential pollutant source);
   e. The potential from any hazardous materials or chemicals stored or used on site to be in the discharge;
   f. The potential for spills from bulk storage structures for gasoline and other chemicals to enter the effluent stream or waters of the State. These structures shall have adequate protection so as to contain all spills;
   g. Significant dust or particulate generated at job site;

8. **Best Management Practices**--Identify and describe the Best Management Practices that will be implemented at the site to reduce the potential of the sources identified in Part B.4.a.7 to contribute pollutants to the process water discharge. The Plan shall clearly describe the installation and implementation specifications for each BMP identified in the Plan to ensure proper implementation, operation and maintenance of the BMP.

   Practices may include, but are not limited to:

   a. Hazardous materials or chemicals stored or used on site shall be adequately handled and contained to prevent spills. Earthen dikes or concrete basins with capacity to hold contents of storage tanks or containers shall be used to prevent spills of these materials into State Waters in the event of failure of the storage containers.
   b. Control of excessive suspended solids shall be undertaken as necessary to prevent reaching surface receiving waters and causing any receiving water deterioration.

c. Total suspended solids can be reduced by filtering the discharge, by directing the water into a settling basin and allowing the solids to settle, or by developing a clearwell and pumping from this structure in the case of groundwater discharges, using filter bags, sediment traps, etc.;
d. Modification of the pipe discharge structure to disperse flows;
e. In the case of oxygen-consuming pollutants in the discharge, BOD may be reduced by filtering or screening out solid particles before discharge. Removal of all debris in pipeline or vessel shall be done prior to hydrostatic testing. Collected debris shall be disposed of properly and promptly so as not to contaminate effluent or State Waters.
f. Discharges that may contain oil or grease shall be treated with oil absorbent booms, socks, pads, or directed through a filter structure containing oil absorbing material before discharge. An oil/water separator may be needed to comply with the effluent limitations (for fixed facilities).

9. **Structural BMP Maintenance**—This part of the plan shall describe how the structural BMPs will be maintained. For example, if the applicant is proposing to use filter bags to control the suspended solids in the discharge, describe how the filter bags will be maintained (e.g.; the filter bags will be emptied as required by the manufacturers specifications, the bags will emptied after the bag has filtered 500 gallons of discharge water). BMPs must be maintained in a manner and frequency to ensure that pollutants are not released to waters of the state.

10. **Inspection Report/Records** —A requirement of the BMP Management Plan is to perform and document visual inspections. Visual inspections must be performed at least twice per discharge at each discharge location. Inspection records must be maintained for the life of the permit or 3 years, whichever is greater. The Division reserves the right to request copies of inspection records, and/or the Division reserves the right to inspect the permitted discharge and request to review the inspection records at the time of inspection.

    Inspection Records, must include at minimum:

    a. The name of the individual performing the inspection;
    b. The time and date of the inspection;
    c. Indicate which discharge point this inspection record addresses;
    d. A description of the discharge., i.e., 'the discharge is visibly clear' or 'the discharge slightly turbid', or 'the discharge has a visual sheen to it', etc.;
    e. A description of problems found with the structural BMPs / are the BMPs functioning properly;
    f. A description of the corrective action taken to correct the deficiencies found with any BMP;
    g. A description of any pollutants that have been discharged to state waters

11. **Required Actions**—Where site inspections note the need for BMP maintenance activities, BMPs must be maintained, repaired, or replaced immediately. This must be documented on the Inspection Record.

5. Other Site-specific Conditions

Specific permit conditions may be applied for compliance with any Division compliance order on consent, cease and desist order, or an EPA administrative order, or similar decree promulgated by the Division, EPA, or other regulatory authority.

C. DEFINITIONS

1. EPA methods 502, 602, 624, 1624, 8020, 8240, or 8260 shall be used for the measurement of total benzene, ethylbenzene, toluene, and xylenes including ortho- meta-, and para-xylene.

2. A "composite" sample, for monitoring requirements, is a minimum of four (4) grab samples collected at equally spaced two (2) hour intervals and proportioned according to flow.

3. A "continuous" measurement, for flow monitoring requirements, is a measurement obtained from an automatic recording device, which continually measures flow.

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

5. "Dissolved (D) metals fraction" is defined in the Basic Standards and Methodologies for Surface Water 1002-31, as that portion of a water and suspended sediment sample which passed through a 0.40 or 0.45 UM (micron) membrane filter. Determinations of "dissolved" constituents are made using the filtrate. This may include some very small (colloidal) suspended particles which passed through the membrane filter as well as the amount of substance present in true chemical solution.

6. A "grab" sample, for monitoring requirements, is a single "dip and take" sample.

7. An "in-situ" measurement, for monitoring requirements, is a single reading, observation, or measurement performed on site.

8. "Potentially dissolved (PD) metals fraction" is defined in the Basic Standards and Methodologies for Surface Water 1002-31, as that portion of a constituent measured from the filtrate of a water and suspended sediment sample that was first treated with nitric acid to a pH of 2 or less and let stand for 8 to 96 hours prior to sample filtration using a 0.40 or 0.45-UM (micron) membrane filter. Note the "potentially dissolved" method cannot be used where nitric acid will interfere with the analytical procedure used for the constituent measured.

9. "Salinity" is measured as Total Dissolved Solids (TDS). Where based on a minimum of 5 samples, the permittee demonstrates a correlation to the satisfaction of the Division that the level of TDS in the effluent can be calculated based upon the level of electrical conductivity, the permittee may measure and report salinity in terms of electrical conductivity.

10. "Total Recoverable Metals" means that portion of a water and suspended sediment sample measured by the total recoverable analytical procedure described in Methods for Chemical Analysis of Water and Wastes, U.S. Environmental Protection Agency, March 1979 or its equivalent.

11. A "visual" observation, for Oil and Grease monitoring requirements, is defined as observing the discharge to check for the presence of a visible sheen or floating oil. If either of these is present, a grab sample shall be taken, analyzed, and reported on the appropriate DMR. In addition, corrective action shall be taken immediately to mitigate the discharge of oil and grease. A description of the corrective action taken should be included with the DMR.

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

D. ADDITIONAL MONITORING REQUIREMENTS

1. Discharge Sampling Point

Discharge points shall be so designed or modified so that a sample of the effluent can be obtained at a point after the final treatment process and prior to discharge to State Waters. The permittee shall provide access to the Division to sample the discharge at these points.

2. Additional Monitoring by Permittee

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

E. GENERAL MONITORING, SAMPLING AND REPORTING REQUIREMENTS

1. Routine Reporting of Data

For permittees required to report the data gathered in compliance with Part I.B.2. shall be on a **monthly** basis. All data shall be reported on Division approved discharge monitoring report (DMR) forms (EPA form 3320-1). Monitoring results shall be summarized as appropriate for each calendar month. The highest monthly value for the calendar quarter shall be reported in the appropriate place on the DMR. The original top copy of the form shall be mailed to the Division, as indicated below, so that the DMR is received no later than the 28th day of the following month (for example, January's DMR is due to the Division on the 28th day of February) If no discharge occurs during the reporting period, "No Discharge" shall be reported. Refer to the instructions on the back of the DMR forms for additional reporting information.

The DMR forms consist of multiple pages. After the DMR form has been completely filled out and signed, the copies must be separated and distributed as follows:

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

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

All additional copies are for the permittee records. The Discharge Monitoring Report forms shall be filled out accurately and completely in accordance with requirements of this permit and the instructions on the forms. They shall be signed by an authorized person as identified in Part I.E.6.

Calculations for all limitations which require the averaging of measurements shall utilize an arithmetic mean unless otherwise specified in the permit.

2. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other wastestream, body of water, or substance. Monitoring points shall not be changed without notification to and approval by the Division.

If the permittee monitors at the point of discharge any pollutant limited by the permit more frequently than required by the permit, using approved test procedures or as specified in the permit, the result of this monitoring shall be included in the calculation and reporting of data to the Division.

3. Analytical and Sampling Methods for Monitoring

The permittee shall install, calibrate, use and maintain monitoring methods and equipment, including biological and indicated pollutant monitoring methods. All sampling shall be performed by the permittee according to specified methods in 40 CFR Part 136; methods approved by EPA pursuant to 40 CFR Part 136; or methods approved by the Division, in the absence of a method specified in or approved pursuant to 40 CFR Part 136. **The analytical method selected for a parameter shall be the one that can measure the lowest detected limit for that parameter unless the permit limitation or stream standard for those parameters not limited, is within the testing range of another approved method.** When requested in writing, the Division may approve an alternative analytical procedure or any significant modification to an approved procedure.

When the most sensitive analytical method which complies with this part, has a detection limit greater than or equal to the permit limit, the permittee shall report "less than (the detectable limit)," as appropriate. Such reports shall not be considered as violations of the permit limit. The present lowest method detection limits for specific parameters (which have limitations that are, in some cases, less than or equal to the detection limit) are as follows:

Effluent Characteristic	Method Detection Limits, mg/l
Arsenic	0.010
Cadmium	0.005
Chromium	0.010
Chromium, Hexavalent	0.010
Copper	0.005
Iron	0.1
Lead	0.005
Manganese	0.6
Mercury	0.000003
Nickel	0.020
Phenols	0.050
Selenium	0.010
Silver	0.0002
Zinc	0.010

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

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

Monitoring is required only when chlorine is present in any concentration in the source water or is added. For purposes of this permit the method detection limits of the DPD colorimetric and the amperometric titration methods of analysis for total residual chlorine are as follows:

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

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

4. Records

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

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

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

5. Signatory and Certification Requirements

a. All reports and other information (including BMP Management Plans) required by the Division, shall be signed and certified for accuracy by the permittee in accord with the following criteria:

i) In the case of corporations, by a principal executive officer of at least the level of vice-president or his or her duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge described in the form originates;

ii) In the case of a partnership, by a general partner;

iii) In the case of a sole proprietorship, by the proprietor;

iv) In the case of a municipal, state, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

b. All reports required by permits, and other information requested by the Division shall be signed by a person as described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

i) The authorization is made in writing by a person described above;

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

iii) The written authorization is submitted to the Division.

If an authorization as described in this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of this section must be submitted to the Division prior to or together with any reports, information, or applications to be signed by an authorized representative.

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

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

PART II

A. NOTIFICATION REQUIREMENTS

1. Notification to Parties

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

a. **Oral Notifications, other than for spills**, during normal business hours shall be to:

Industrial Compliance Officer
Water Quality Control Division
Telephone: (303) 692-3500

Spills notifications at any time and **other notifications** after hours shall be to :

Environmental Release and Incident Reporting Line
Telephone: (877) 518-5608

b. **Written notification** shall be to:

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

2. Change in Discharge

The permittee shall notify the Division, in writing, of any planned physical alterations or additions to the permitted facility. For non-fixed facilities, the permittee shall notify the Division of any changes to the discharge, such as additional discharge points, a change in the discharge flow, etc. The Division, upon review of the submitted materials will amend the certification to discharge. Authorization for the change in discharge is not effective until the amended certification is issued. Notice is required only when the alteration or addition could significantly change the nature or increase the quantity of pollutants discharged, or;

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

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

3. Special Notifications - Definitions

a. Bypass: The intentional diversion of waste streams from any portion of a treatment facility.

b. Severe Property Damage: Substantial physical damage to property at the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. It does not mean economic loss caused by delays in production.

c. Spill: An incident in which flows or solid materials are accidentally or unintentionally allowed to flow or escape so as to be lost from the treatment, processing or manufacturing system which may cause or threaten pollution of State Waters.

d. Upset: An exceptional incident in which there is unintentional and temporary noncompliance with permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

4. Noncompliance Notification

   a. If, for any reason, the permittee does not comply with or will be unable to comply with any discharge limitations or standards specified in this permit, the permittee shall, at a minimum, provide the Division and EPA with the following information:

      i) A description of the discharge and cause of noncompliance;

      ii) The period of noncompliance, including exact dates and times and/or the anticipated time when the discharge will return to compliance; and

      iii) Steps being taken to reduce, eliminate, and prevent recurrence of the noncomplying discharge.

   b. The permittee shall report the following circumstances **orally within twenty-four hours** from the time the permittee becomes aware of the circumstances, and shall mail to the Division a written report containing the information requested in Part II.A.4 (a) **within five days** after becoming aware of the following circumstances:

      i) Circumstances leading to any noncompliance which may endanger health or the environment regardless of the cause of the incident;

      ii) Circumstances leading to any unanticipated bypass which exceeds any effluent limitations in the permit;

      iii) Circumstances leading to any upset or spill which causes an exceedance of any effluent limitation in the permit;

      iv) Daily maximum violations for any of the pollutants limited by Part I.A of this permit and specified as requiring 24-hour notification. This includes any toxic pollutant or hazardous substance or any pollutant specifically identified as the method to control any toxic pollutant or hazardous substance.

   c. The permittee shall report instances of non-compliance which are not required to be reported within 24-hours at the time Discharge Monitoring Reports are submitted. The reports shall contain the information listed in sub-paragraph (a) of this section.

5. Other Notification Requirements

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

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

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

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

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

      i) One hundred micrograms per liter (100 ug/l);

      ii) 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 2-methyl-4.6-dinitrophenol; and one milligram per liter (1.0 mg/l) for antimony;

      iii) Five times the maximum concentration value reported for that pollutant in the permit application in accordance with Section 61.4(2)(g).

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

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

      i) Five hundred micrograms per liter (500 ug/l);

      ii) One milligram per liter (1 mg/l) for antimony; and

      iii) Ten (10) times the maximum concentration value reported for that pollutant in the permit application.

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

6. Bypass Notification

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

7. Upsets

a. Effect of an Upset

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

b. Conditions Necessary for a Demonstration of Upset

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

i) An upset occurred and that the permittee can identify the specific cause(s) of the upset; and

ii) The permitted facility was at the time being properly operated and maintained; and

iii) The permittee submitted proper notice of the upset as required in Part II.A.4. of this permit (24-hour notice); and

iv) The permittee complied with any remedial measure necessary to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reason able likelihood of adversely affecting human health or the environment.

In addition to the demonstration required above, a permittee who wishes to establish the affirmative defense of upset for a violation of effluent limitations based upon water quality standards shall also demonstrate through monitoring, modeling or other methods that the relevant standards were achieved in the receiving water.

c. Burden of Proof

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

8. Discharge Point

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

9. Proper Operation and Maintenance

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

10. Minimization of Adverse Impact

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

11. Removed Substances

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

Where applicable, the permittee shall dispose of sludge in accordance with all State and Federal regulations.

12. Submission of Incorrect or Incomplete Information

Where the permittee failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or report to the Division, the permittee shall promptly submit the relevant information which was not submitted or any additional information needed to correct any erroneous information previously submitted. The 30 days the Division has to process the permit will be put on hold until all additional information is submitted.

13. Bypass

a. Bypasses are prohibited and the Division may take enforcement action against the permittee for bypass, unless:

i) The bypass is unavoidable to prevent loss of life, personal injury, or severe property damage;

ii) There were no feasible alternatives to bypass such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

iii) Proper notices were submitted in compliance with Part II.A.4.

b. "Severe property damage" as used in this Subsection means substantial physical damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

c. The permittee may allow a bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance or to assure optimal operation. These bypasses are not subject to the provisions of paragraph (a) above.

d. The Division may approve an anticipated bypass, after considering adverse effects, if the Division determines that the bypass will meet the conditions specified in paragraph (a) above.

14. Reduction, Loss, or Failure of Treatment Facility

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

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

B. RESPONSIBILITIES

1. Inspections and Right to Entry

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

a. To enter upon the permittee's premises where a regulated facility or activity is located or in which any records are required to be kept under the terms and conditions of this permit;

b. At reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit and to inspect any monitoring equipment or monitoring method required in the permit; and

c. To enter upon the permittee's premises in a reasonable manner and at a reasonable time to inspect and/or investigate, any actual, suspected, or potential source of water pollution, or to ascertain compliance or non compliance with the Colorado Water Quality Control Act or any other applicable state or federal statute or regulation or any order promulgated by the Division. The investigation may include, but is not limited to, the following: sampling of any discharge and/or process waters, the taking of photographs, interviewing of any person having knowledge related to the discharge permit or alleged violation, access to any and all facilities or areas within the permittee's premises that may have any affect on the discharge, permit, or alleged violation. Such entry is also authorized for the purpose of inspecting and copying records required to be kept concerning any effluent source.

d. The permittee shall provide access to the Division to sample the discharge at a point after the final treatment process but prior to the discharge mixing with State Waters upon presentation of proper credentials.

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

2. Duty to Provide Information

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

3. Transfer of Ownership or Control

a. Except as provided in paragraph b. of this section, a permit may be transferred by a permittee only if the permit has been modified or revoked and reissued as provided in Section 61.8(8) of the Colorado Discharge Permit System Regulations, to identify the new permittee and to incorporate such other requirements as may be necessary under the Federal Act.

b. A permit may be automatically transferred to a new permittee if:

i) The current permittee notifies the Division in writing 30 days in advance of the proposed transfer date; and

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

iii) The Division does not notify the existing permittee and the proposed new permittee of its intent to modify, or revoke and reissue the permit.

iv) Fee requirements of the Colorado Discharge Permit System Regulations, Section 61.15, have been met.

4. Availability of Reports

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

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

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

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

a. A permit may be modified, suspended, or terminated in whole or in part during its term for reasons determined by the Division including, but not limited to, the following:

i) Violation of any terms or conditions of the permit;

ii) Obtaining a permit by misrepresentation or failing to disclose any fact which is material to the granting or denial of a permit or to the establishment of terms or conditions of the permit; or

iii) Materially false or inaccurate statements or information in the permit application or the permit.

iv) A determination that the permitted activity endangers human health or the classified or existing uses of State Waters and can only be regulated to acceptable levels by permit modifications or termination.

b. A permit may be modified in whole or in part for the following causes, provided that such modification complies with the provisions of Section 61.10 of the Colorado Discharge Permit System Regulations:

i) There are material and substantial alterations or additions to the permitted facility or activity which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit.

ii) The Division has received new information which was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and which would have justified the application of different permit conditions at the time of issuance. For permits issued to new sources or new dischargers, this cause includes information derived from effluent testing required under Section 61.4(7)(e) of the Colorado Discharge Permit System Regulations. This provision allows a modification of the permit to include conditions that are less stringent

than the existing permit only to the extent allowed under Section 61.10 of the Colorado Discharge Permit System Regulations.

iii) The standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued. Permits may be modified during their terms for this cause only as follows:

(A) The permit condition requested to be modified was based on a promulgated effluent limitation guideline, EPA approved water quality standard, or an effluent limitation set forth in 5 CCR 1002-62, § 62 et seq.; and

(B) EPA has revised, withdrawn, or modified that portion of the regulation or effluent limitation guideline on which the permit condition was based, or has approved a Commission action with respect to the water quality standard or effluent limitation on which the permit condition was based; and

(C) The permittee requests modification after the notice of final action by which the EPA effluent limitation guideline, water quality standard, or effluent limitation is revised, withdrawn, or modified; or

(D) For judicial decisions, a court of competent jurisdiction has remanded and stayed EPA promulgated regulations or effluent limitation guidelines, if the remand and stay concern that portion of the regulations or guidelines on which the permit condition was based and a request is filed by the permittee in accordance with this Regulation, within ninety (90) days of judicial remand.

iv) The Division determines that good cause exists to modify a permit condition because of events over which the permittee has no control and for which there is no reasonable available remedy.

v) The permittee has received a variance.

vi) When required to incorporate applicable toxic effluent limitation or standards adopted pursuant to § 307(a) of the Federal act.

vii) When required by the reopener conditions in the permit.

viii) When the level of discharge of any pollutant which is not limited in the permit exceeds the level which can be achieved by the technology-based treatment requirements appropriate to the permittee under Section 61.8(2) of the Colorado Discharge Permit System Regulations.

ix) To establish a pollutant notification level required in Section 61.8(5) of the Colorado Discharge Permit System Regulations.

x) To correct technical mistakes, such as errors in calculation, or mistaken interpretations of law made in determining permit conditions, to the extent allowed in Section 61.10 of the Colorado State Discharge Permit System Regulations.

xi) For any other cause provided in Section 61.10 of the Colorado Discharge Permit System Regulations.

c. At the request of a permittee, the Division may modify or terminate a permit and issue a new permit if the following conditions are met:

i) The Regional Administrator has been notified of the proposed modification or termination and does not object in writing within thirty days of receipt of notification,

ii) The Division finds that the permittee has shown reasonable grounds consistent with the Federal and State statutes and regulations for such modifications or termination;

iii) Requirements of Section 61.15 of the Colorado Discharge Permit System Regulations have been met, and

iv) Requirements of public notice have been met.

d. Permit modification (except for minor modifications), termination or revocation and reissuance actions shall be subject to the requirements of Sections 61.5(2), 61.5(3), 61.6, 61.7 and 61.15 of the Colorado Discharge Permit System Regulations. The Division shall act on a permit modification request, other than minor modification requests, within 180 days of receipt thereof. Except for minor modifications, the terms of the existing permit govern and are enforceable until the newly issued permit is formally modified or revoked and reissued following public notice.

e. Upon consent by the permittee, the Division may make minor permit modifications without following the requirements of Sections 61.5(2), 61.5(3), 61.7, and 61.15 of the Colorado Discharge Permit System Regulations. Minor modifications to permits are limited to:

i) Correcting typographical errors; or

ii) Increasing the frequency of monitoring or reporting by the permittee; or

iii) Changing an interim date in a schedule of compliance, provided the new date of compliance is not more than 120 days after the date specific in the existing permit and does not interfere with attainment of the final compliance date requirement; or

iv) Allowing for a transfer in ownership or operational control of a facility where the Division determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between the current and new permittees has been submitted to the Division; or

v) Changing the construction schedule for a discharger which is a new source, but no such change shall affect a discharger's obligation to have all pollution control equipment installed and in operation prior to discharge; or

vi) Deleting a point source outfall when the discharge from that outfall is terminated and does not result in discharge of pollutants from other outfalls except in accordance with permit limits.

f. When a permit is modified, only the conditions subject to modification are reopened. If a permit is revoked and reissued, the entire permit is reopened and subject to revision and the permit is reissued for a new term.

g. The filing of a request by the permittee for a permit modification, revocation and reissuance or termination does not stay any permit condition.

h. All permit modifications and reissuances are subject to the antibacksliding provisions set forth in 61.10(e) through (g).

6. Oil and Hazardous Substance Liability

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

7. State Laws

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

8. Permit Violations

Failure to comply with any terms and/or conditions of this permit shall be a violation of this permit. The discharge of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit.

9. Property Rights

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

10. Severability

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

11. Renewal Application

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

12. Termination of Permit

Effective July 1, 2007, legislation (HB 07-1329) removed the option for issuance of short-term certifications. Thus, when activities requiring permit coverage are complete, the permittee can initiate the termination of their permit by sending in a letter to the Division requesting permit termination. DMRs must be submitted to the Division until the termination process is complete.

13. Confidentiality

Any information relating to any secret process, method of manufacture or production, or sales or marketing data which has been declared confidential by the permittee, and which may be acquired, ascertained, or discovered, whether in any sampling investigation, emergency investigation, or otherwise, shall not be publicly disclosed by any member, officer, or employee of the Commission or the Division, but shall be kept confidential. Any person seeking to invoke the protection of this Subsection (12) shall bear the burden of proving its applicability. This section shall never be interpreted as preventing full disclosure of effluent data.

14. Fees

The permittee is required to submit payment of an annual fee as set forth in the 2007 amendments to the Water Quality Control Act. Section 25-8-502 (l) (b), and the Colorado Discharge Permit System Regulations 5 CCR l002-61, Section 61.l5 as amended. Failure to submit the required fee when due and payable is a violation of the permit and will result in enforcement action pursuant to Section 25-8-60l et. seq., C.R.S. l973 as amended.

15. Duration of Permit

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

16. Section 307 Toxics

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

17. Antibacksliding

a. A permit may not be renewed, reissued, or modified to contain effluent limitations adopted pursuant to Section 25-8-503(1)(b) (BPJ) of the Water Quality Control Act, which are less stringent than the comparable effluent limitations or standards in the previous permit, unless any one of the following exceptions is met and the conditions of paragraph (c) of this section are met:

   i) Material and substantial alterations or additions to the permitted facility occurred after permit issuance which justify the application of less stringent effluent limitations; or

   ii) Information is available which was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and which would have justified the application of a less stringent effluent limitation or standard at the time of permit issuance; or

   iii) The Division determines that technical mistakes or mistaken interpretations of law were made in issuing the permit, which justified relaxation of the effluent limitations or standards; or

   iv) A less stringent effluent limitation or standard is necessary because of events over which the permittee has no control and for which there is not reasonable available remedy; or

   v) The permittee has received a permit variance; or

   vi) The permittee has installed the treatment facilities required to meet the effluent limitations in the previous permit and has properly operated and maintained the facilities but has nevertheless been unable to achieve the previous effluent limitations, in which case, the limitations in the renewed, reissued, or modified permit may reflect the level of pollutant control actually achieved (but shall not be less stringent than required by effluent guidelines in effect at the time of permit renewal, reissuance, or modification).

b. A permit may not be renewed, reissued, or modified to contain effluent limitations adopted pursuant to 61.8(2(b) or (c) of the Colorado Discharge Permit System Regulations that are less stringent than the comparable effluent limitations in the previous permit, unless any of the exceptions provided herein is met and the conditions of paragraph c. of this section are met.

   i) In waters where the applicable water quality standard has not yet been attained, effluent limitations based on a total maximum daily load or other waste load allocation may be revised to be less stringent if the cumulative effect of all such revisions assures attainment of such water quality standard, or the designated use which is not being attained is removed in accordance with Section 31.6 of the Basic Standards.

   ii) In waters where the applicable water quality standard has been attained, effluent limitations based on a total maximum daily load, other waste load allocation, or any other permitting standard (including any water quality

standard) may be revised to be less stringent if such revision is subject to and consistent with the antidegradation provisions of Section 31.8 of the Basic Standards. Consistency with Section 31.8 shall be presumed if the waters in question have been designated by the Commission as "use protected"; or

iii) Whether or not the applicable water quality standard has been attained:

(A) Material and substantial alterations or additions to the permitted facility occurred after permit issuance which justified the application of less stringent effluent limitations; or

(B) A less stringent effluent limitation is necessary because of events over which the permittee has no control and for which there is not reasonable available remedy; or

(C) The permittee has received a permit variance; or

(D) The permittee has installed the treatment facilities required to meet the effluent limitations in the previous permit and has properly operated and maintained the facilities but has nevertheless been unable to achieve the previous effluent limitations, in which case, the limitations in the reviewed, reissued, or modified permit may reflect the level of pollutant control actually achieved (but shall not be less stringent than required by effluent guidelines in effect at the time of permit renewal, reissuance, or modification).

c. In no event may a permit with respect to which paragraphs (a) and (b) of this section apply be renewed, reissued, or modified to contain an effluent limitation or standard which is less stringent than required by federal effluent guidelines in effect at the time the permit is renewed, reissued, or modified. In no event may such a permit to discharge into State Waters be renewed, reissued, or modified to contain a less stringent effluent limitation if the implementation of such limitation would result in a violation of an applicable water quality standard.

18. Effect of Permit Issuance

a. The issuance of a permit does not convey any property rights or any exclusive privilege.

b. The issuance of a permit does not authorize any injury to person or property or any invasion of personal rights, nor does it authorize the infringement of federal, state, or local laws or regulations.

c. Except for any toxic effluent standard or prohibition imposed under Section 307 of the Federal act or any standard for sewage sludge use or disposal under Section 405(d) of the Federal act, compliance with a permit during its term constitutes compliance, for purposes of enforcement, with Sections 301, 302, 306, 318, 403, and 405(a) and (b) of the Federal act. However, a permit may be modified, revoked and reissued, or terminated during its term for cause as set forth in Section 61.8(8) of the Colorado Discharge Permit System Regulations.

d. Compliance with a permit condition which implements a particular standard for sewage sludge use or disposal shall be an affirmative defense in any enforcement action brought for a violation of that standard for sewage sludge use or disposal.

RATIONALE

DISCHARGES ASSOCIATED WITH HYDROSTATIC TESTING OF GAS OR PETROLEUM PIPELINES, STORAGE TANKS, AND SIMILAR VESSELS

GENERAL PERMIT IN COLORADO
FIRST ISSUE
CDPS PERMIT NUMBER COG-604000

I. STATUS

This is the first separate general permit for discharges associated with hydrostatic testing of gas or petroleum pipelines, storage tanks, and similar vessels. Previously these discharges were covered, as categories, under the Minimum Industrial Discharge (MINDI) general permit (COG-600000). This change was made to provide more specific limitations for this category and support efficiency in the development of certifications.

II. TYPES OF DISCHARGES COVERED

Scope of A General Permit

The general permit provides coverage for types of discharges that can be characterized as: ***an intermittent or temporary discharge****, containing concentrations of pollutants of concern that pose low risk to impairing receiving water quality, and possess minimal toxicity. Long-term or continuous discharges may require coverage under an individual permit.*

The effluent limits are based on the water-quality standards for the receiving water and, thus, are protective of the designated beneficial uses. All minimal discharge general permits contain narrative limitations and exclusions in common (see Part I.B.1. of the permit). Additions to the numeric limitations and monitoring requirements may occur on a site-specific basis after review of facility information and The Basic Standards and Methodologies for Surface Water (Regulation No. 31) and/or the Basic Standards for Ground Water (Regulation No.41) . The scope of this permit does include discharges to land (with the potential to enter groundwater) that are not subject to the jurisdiction of an implementing state agency., Every certification will include one or more tables that specify the limitations and monitoring requirements that apply to the discharge. Dischargers that do not fit under this characterization and/or possess highly toxic chemicals in elevated concentrations should apply for coverage under an individual permit.

Exceptions to numeric effluent requirements can exist where the application of Best Management Practices (BMPs) is sufficient to protect water quality and the inclusion of additional requirements (i.e., numeric limits, monitoring of effluent) is not necessary. This shall only be applicable when the pipelines and vessels being tested are new, no additives are added to the source water, the flow rate is minimal, the permittee doesn't have a history of non-compliance, and the discharge is not to a 303 (d) listed segment for pollutants of concern (see Regulation No. 93, Section 303(d) List Water-Quality-Limited Segments Requiring TMDLs. The permittee will be required to create a BMP Plan. The decision whether numeric effluent limits will apply or if the discharge can occur under the implementation of a BMP Management Plan will be specified in the certification to discharge. See section I.B.3. and I.B.4 of the General Permit for BMP Management Plan details.

Scope of This General Permit

This general permit (COG-604000) authorizes discharges from: hydrostatic testing of new and existing gas or petroleum pipelines, storage tanks, and similar vessels. For this permit, hydrostatic testing also includes flushing.

The periodic testing activity is conducted for one of two reasons. First, the testing is done to meet an internal requirement of the operator. Second, the testing is done to meet the requirements of the U.S. Department of Transportation (49 CFR 192, Subpart J – Test Requirements) and in accord with Section 192.515 (b) – "the operator shall insure that the test medium is disposed of in a manner that will minimize damage to the environment". Discharges of hydrostatic test water may originate from a variety of facilities, including but not limited to – gathering or transmission pipelines, natural gas liquid extraction plants, natural gas processing plants, gas compressor stations, refineries, petrochemical manufacturing plants. Discharges to groundwater(within site boundaries) will not be covered under this general permit, if the facility is subject to the jurisdiction of an implementing agency (i.e., Colorado Oil and Gas Conservation Commission, Colorado Division of Oil and Public Safety).

This general permit does not apply to treatment facilities hydrotesting or flushing pipelines for treated-water transport that are covered under the General Permit for Discharges Associated with Treated Water Distribution Systems, COG-38000.

Characteristics of Discharge

The general characteristics of the expected discharge are presented below and are used by the permit writer to determine availability of coverage under this general permit.

Source Water Source water used in hydrostatic testing may come from a variety of sources – rivers, streams, lakes, ponds, wells, and drinking water supplies. When the source water is obtained from a drinking water supply, residual chlorine is a pollutant of concern and the Division has included effluent limits (numeric or narrative) to control this pollutant on the basis that there is reasonable potential for the discharge to cause or contribute to an exceedance of a water quality standard . When the source water is obtained from a river, stream, lake, or pond, and the discharge is not to a 303(d) listed segment, the Division has determined there is no reasonable potential for the pollutants in the source water to cause or contribute to an exceedance of a water quality standard on the basis that the discharge is intermittent or temporary, and that concentrations of pollutants will not be increased during the use of the water. An additional reasonable potential analysis will be conducted for discharges to 303(d) listed waters to determine if site-specific effluent limits are required or the discharge may be more appropriately covered under an individual permit. When the source water is groundwater, only discharges of "uncontaminated" groundwater will be authorized. Contaminated groundwater may include that contaminated with pollutants from a landfill, mining activity, industrial pollutant plume, underground storage tank, or other source of human-caused groundwater pollution and exceeding the State groundwater standards in Regulations 5 CCR 1002-41 and 42. The Division will review information provided in the application to determine whether the source water is uncontaminated. The Division has determined that there is no reasonable potential for naturally occurring constituents in uncontaminated groundwater to cause or contribute to exceedance of a water quality standard on the basis that the levels will not exceed State groundwater standards and the discharge is intermittent or temporary. The Division, may on a case-by-case basis where there is evidence that the groundwater has naturally high levels of constituents potentially harmful to aquatic life, conduct an additional reasonable potential analysis and include a site-specific effluent limit in the certification. It is assumed that toxic chemical additives (i.e., corrosion inhibitors, antifreeze, biocides) will not be added to the source water.

Low-Volume Batch Discharge Hydrostatic testing is generally performed by sealing the equipment, piping or vessel to be tested and providing a water fill location. After the equipment, piping or vessel is full, the pressure is increased to the desired level using a high pressure pump system and then held at pressure for several hours (in some cases, hydrostatic testing may be performed at atmospheric pressure). Following the test, the pressure is released and the equipment, piping or vessel is drained by gravity flow, pumping, or air pressure. In some cases, the discharge is collected in a tank for testing and/or treatment prior to discharge to the water body. Hydrostatic test water discharges are, therefore, batch discharges with a short-term duration. Typical volumes per test range from 10,000 to 50,000 gallons. However, if the total discharge is expected to be 1,000,000 gallons or greater, then an individual permit may be required (contact permit writer).

Residue. Residue in the pipeline may contribute to the pollutants of concern in the discharge from the hydrostatic testing. New structures should be relatively free of potential pollutants but may include – construction debris, suspended solids from soil, welding solids, lubricating oils, and pH. Existing structures may contain residues from natural gas, hydrocarbon condensates, and petroleum products (i.e., benzene, toluene, and xylenes). Therefore, the Division has made a qualitative determination of reasonable potential for petroleum sources and iron from the pipelines and has included the applicable water quality standards for benzene, toluene, ethylbenzene, xylenes, and total recoverable and dissolved iron as later described.

Receiving Water. Division decisions on coverage under this general permit considers the following conditions:

This general permit does not provide coverage for discharges to a water body with the designation of "outstanding waters".

Discharge to a stormwater conveyance system is not expected to be a common event, given the expected right-of-way setting of the pipelines. However, this general permit can provide coverage, if the owner of the conveyance system is contacted by the permittee prior to discharge and complies with the owners' ordinances, regulations, and additional requirements. Further, the permittee should provide the owner- prior to actual discharge- specific information on times and locations of expected discharges.

Discharges to impaired water are allowed since the effluent limits are equal to the water-quality standards and the discharge is expected to be short-term or intermittent.

III. PERMIT CONDITIONS

Numeric effluent limitations (Tables 1 and 2 and Part I.B.2. of the permit) are imposed for pollutants that are specific to the types of discharges. Since each type is a batch discharge, the limitations can be expressed in terms of a daily maximum concentration - as allowed under 40 CFR 122.45 (e) and (f). A professional decision is made to use the 30-day average, if the parameter does not have a daily maximum value in Regulation No. 31.

*Table 1. Effluent Limitations and Monitoring Requirements for **New** Pipelines, Tanks, or Other Similar Vessels*

Effluent Parameter	*Discharge Limitation Daily Maximum*	*Monitoring Frequency*[1]	*Sample Type*
Flow, gpm	*Report*[2]	*NA*	*NA*
Total Suspended Solids, mg/l	*30*	*2X/discharge*	*Grab*
Oil and Grease, mg/l[3]	*10*	*2X/discharge*	*Visual/Grab*
pH, s.u.	*6.5 – 9.0*	*2X/discharge*	*In-situ*
Iron, Dissolved, mg/l	*0.3*	*2X/discharge*	*Grab*
Site-specific[4]			
Total Residual Chlorine, mg/l	*0.019*	*2X/discharge*	*In-situ*
Other Pollutants, units	*Limit*	*2X/discharge*	*Grab*
Other Pollutants, units	*Report*	*2X/discharge*	*Grab*
Total Dissolved Solids, mg/l[5]	*Report*	*2X/discharge*	*Grab*
Total Phosphorus, mg/l[6]	*0.05*	*2X/discharge*	*Grab*
Total Phosphorus, mg/l[6]	*Report*	*2X/discharge*	*Grab*

*Table 2. Effluent Limitations and Monitoring Requirements for **Used** Pipelines, Tanks, or Other Similar Vessels*

Effluent Parameter	*Discharge Limitation Daily Maximum*	*Monitoring Frequency*[1]	*Sample Type*
Flow, gpm	*Report*[2]	*NA*	*NA*
Total Suspended Solids, mg/l	*30*	*2X/discharge*	*Grab*
Oil and Grease, mg/l[3]	*10*	*2X/discharge*	*Visual/Grab*
pH, s.u.	*6.5 – 9.0*	*2X/discharge*	*In-situ*
Iron, Total Recoverable, mg/l	*1.0*	*2X/discharge*	*Grab*
Iron, Dissolved , mg/l	*0.3*	*2X/discharge*	*Grab*
Site-specific[4]			
Total Residual Chlorine, mg/l	*0.019*	*2X/discharge*	*In-situ*
Benzene, mg/l	*0.0022*	*2X/discharge*	*Grab*
Toluene, mg/l	*1.0*	*2X/discharge*	*Grab*
Ehtylbenzene, mg/l	*0.530*	*2X/discharge*	*Grab*
Xylenes, mg/l	*1.4*	*2X/discharge*	*Grab*
Other Pollutants, units	*Limit*	*2X/discharge*	*Grab*
Other Pollutants, units	*Report*	*2X/discharge*	*Grab*
Total Dissolved Solids, mg/l[5]	*Report*	*2X/discharge*	*Grab*
Total Phosphorus, mg/l[6]	*0.05*	*2X/discharge*	*Grab*
Total Phosphorus, mg/l[6]	*Report*	*2X/discharge*	*Grab*

[1] Samples will be taken during the first and last hour of discharge. If the discharge is less than an hour, then the samples will be collected during the first and last 15 minutes of discharge. The sample point will be immediately following the discharge from the pipeline or vessel. If the discharge is going through BMPs then sampling shall occur after such BMP treatment and prior to discharge to waters of the state. If the same hydrotesting program is conducted at discrete locations along an extensive pipeline, then the monitoring frequency can be adjusted on a site-specific basis with support for this decision provided in the certification. For example, once the 2X/discharge monitoring is completed on the first two tested pipeline segments and evaluated, then the subsequent monitoring efforts may be reduced to 1X/discharge.

[2] Flow can be measured with a recorder or determined from estimates based on volume of fill water, dimension of the pipeline, or volume of vessel filled with water.

[3] There shall be no visible sheen. If a visible sheen is detected a grab sample is required.

[4] Limits will be established on a site-specific basis for additional parameters based on an assessment of the submitted information and results of discussions with permittee by the permit writer. The rationale used for site-specific limitations will be presented in the certification. If the source water is from a drinking water supply, then total residual chlorine monitoring is required. If the pipeline or vessels is expected to contain residual of petrochemical products, then BTEX monitoring is required. Other pollutants may be added based on a discharge to an impaired water body and/or based on pollutant of concern determination resulting from nature of the source water, source water additives, and /or residues in the pipeline or vessel.

[5] Monitoring is required only for discharges within the Colorado River Basin

[6] Monitoring and/or numeric effluent limits may apply to discharges to watersheds with a control regulation for Phosphorus.

a. *Regulations for Effluent Limitations (Regulation No. 62) – Section 62.4 of the regulations includes effluent limitations that apply to all discharges of wastewater to state waters. These regulations are the basis for Oil and Grease and Total Suspended Solids limitations. These limits are the same as existed in the MINDI permit.*

b. *Technology-Based Limitations – No federal guidelines have been promulgated for this type of facility and none are expected. Since most hydrostatic testing occurs within the petroleum industry, to determine if any residual from prior use is being discharged, effluent limitations and monitoring for benzene, toluene, ethylbenzne, and xylene (see discussion in later paragraphs) are required as these parameters are good indicators of the presence of petroleum constituents.*

c. *Water Quality Standard-based Limitations (Discharges to Surface Waters)*

Water quality-based limits are imposed for pH, total residual chlorine (TRC), total recoverable iron and dissolved iron, and benzene, toluene, ethylbenzene, and xylene. The pH limits are the same as existed in the MINDI permit. The limits for TRC are also the same as existed in the MINDI permit with the exception that antidegradation-based limits are not applied (see below). The total recoverable and dissolved iron limits are more stringent than in the MINDI permit because they are based on the respective standards. The limit for benzene included in this permit is equal to the water-quality standard which is a change from the MINDI permit.

1. *pH – This parameter is limited by Water Quality Standards as the water quality standards of 6.5-9.0 s.u. range are more stringent than those specified under the Regulations for Effluent Limitations(Regulation No. 62)*

2. *Total Residual Chlorine – The TRC limitations are equal to the most stringent standards found in Table II of The Basic Standards and Methodologies for Surface Water (Regulation No. 31). Effluent must be dechlorinated by chemical or physical means prior to discharge to meet limitations. If chlorine is not present in any concentration in the source water and none is added, the permit writer can exempt a permittee from TRC effluent limits and monitoring.*

3. *Total Recoverable and Dissolved Iron – Because iron in various forms can be present, dissolved iron and total recoverable iron limits are imposed. Both iron limitations will apply and are equal to most stringent standards found in Table III of The Basic Standards and Methodologies for Surface Water (Regulation No. 31). In this rationale and permit, the standards in ug/l have been included as limits in terms of mg/l.*

4. *Benzene, Toluene, Ethylbenzene, and Xylene – Since most hydrostatic testing occurs within the petroleum industry, to determine if any residual from prior use is being discharged, the effluent limitations and monitoring for benzene are required as this parameter is a good indicator of the presence of petroleum constituents. The benzene, toluene, ethylbenzene, and xylenes, limitations are the most stringent, petroleum-related standard found in the Basic Standards for Organic Chemicals table in The Basic Standards and Methodologies for Surface Water (Regulation No. 31), and have been converted from ug/l to mg/l.*

5. *Other Pollutants Limitations and/or Monitoring – The permit writer will review the application and determine if any additional pollutants must be limited and/or monitored to protect the classified uses assigned to the receiving water. If required, the permit writer will set these additional limitations equal to the appropriate water-quality standards. A flow limit for each outfall is to be identified on each certification.*

d. *Chemicals – The application must include disclosure of chemicals that may be present on the interior surface of the pipeline, tank, or vessel and/or that may be used as an additive in the hydrostatic test water. Also, the source and water quality of the test water should be disclosed. This information is necessary in the assessment of possible coverage under this general permit.*

e. *Salinity Requirements – All permit actions for discharges to surface waters in the Colorado River Basin must include salinity monitoring. Accordingly, the permit writer will perform an analysis, as set out in the paragraphs that follow, to determine which salinity requirements apply pursuant to the requirements of Section 61.8(2)(l) of the Colorado Discharge Permit System Regulations(Regulation No. 61). Multiple discharges covered from a single facility are subject to the limitation that would apply if there were a single discharge point.*

In conformance with the Colorado Discharge Permit System Regulation (Regulation No. 61), existing permits for discharges to the Colorado River basin incorporate total dissolved solids (TDS) as the monitoring parameter for compliance with the salinity requirements. Electrical conductivity (EC) may be substituted for TDS if a correlation exists between TDS and EC is established for the discharge, based on 5 paired samples, and approval by the permit writer.

To ensure compliance with the regulations, the compliance staff will review the reported data that the facility will not discharge more than 1 ton per day, or 365 tons/year. For facilities exceeding this threshold, a salinity report is required that includes satisfactory demonstration by the permittee that it is not practicable to prevent the discharge of all salt. The Division will decide

on this exception prior to the start of discharge and may require further actions by the permittee to reduce the salt load before approval of the discharge.

Based on the effluent data in the application from a new facility, the permit writer will make an assessment of the expected salinity load in the discharge (from concurrent flows at all outfalls) and if less than 1 ton/day, the calculation will be documented in the issued certification. If the load exceeds this level, then the discharge can not be authorized. However, as stated above, the Division can grant an exception. The sequence of discharges from hydrostatic testing of long pipelines or several vessels is important to this assessment.

Because the discharges covered under this permit are short-term and usually once per location, two analyses for TDS are normally required. The certification will indicate if additional salinity reporting requirements are waived and the basis for this decision.

f. *Control Regulations – Control regulations exist to place additional limits on discharges to surface waters in five watersheds – Dillon Reservoir, Cherry Creek Reservoir, Chatfield Reservoir, Cheraw Lake, and Bear Creek Reservoir. The total available wasteloads (i.e., phosphorus) have been allocated in these regulations to various point and non-point sources that discharge on these watersheds.*

Certifications for discharges to these watersheds may include limitations and/or monitoring requirements for the parameters specified in the regulation. Since the discharges are expected to be short-term and contain levels of the control parameters equal to or less than the concentrations in nearby ambient waters, these authorized loads are viewed as de minimus and not subject to assignment under the above allocation process (i.e., see Section 72.2.12 of Regulation No. 72). The permit writer will briefly state in the certification the reason, with supporting data, the basis for the de minmus decision, when the basin regulation does not state that such industrial contributions are considered minimal.

g. *Antidegradation – As set out in The Basic Standards and Methodologies of Surface Water, Section 31.8(3)(c)(ii)(C), an antidegradation analysis is required for all waters not designated as Use Protected, except in cases where the regulated activity will result in only temporary or short term changes in water quality. Discharges permitted under this general permit are expected to be short-term or intermittent. With consideration that these discharges are of good quality and in accordance with Section 31.8(3)(c)(ii)(C) of The Basic Standards and Methodologies For Surface Waters (Regulation No. 31), which exempts regulated activities that result in only temporary or short-term changes in water quality, an antidegradation analysis is not necessary.*

h. *Whole Effluent Toxicity (WET) – WET testing is not a part of this permit. Discharges covered under this minimal discharge general permit are judged to have minimal impact on the receiving waters; thus, these discharges are not expected to exhibit whole effluent toxicity. If an application shows that or if the permit writer determines that the proposed discharge may or will exhibit whole effluent toxicity, an individual permit with effluent limitations and other permit conditions, including a WET limit and monitoring, will be considered more suitable.*

i. *Mixing Zones – Under this general permit mixing zone regulations do not apply , since water-quality standards are applied as the effluent limits(i.e., no dilution is allowed.).*

j. *Discharges to 303(d) listed waters – Since the effluent limits are equal to the water-quality standards and the discharge is expected to be short-term or intermittent, the assumption is that the discharge will not further impair the quality of the receiving water for the 303(d)-listed parameters.*

k. *Discharges to Ground Water – Discharges permitted under this general permit may travel to groundwater via land application, infiltration ponds or other approved means. Because the standards for groundwater are based on water supply and agricultural uses, which also apply to surface waters of the state, the Division has determined that discharges that are protective of surface water standards are also protective of groundwater standards, unless a more stringent site-specific groundwater standard has been adopted. The Division will include a site-specific limit in the certification or require coverage under an individual permit as needed to implement more stringent site-specific groundwater standards. Certain discharges, due to proximity to alluvial water associated with nearby surface flow, are considered to be hydrologically connected this surface flow and will be considered a discharge to surface water.*

Additionally, the permittee will need to demonstrate in the application by what method effluent is discharged to ground water, and how and where effluent can be monitored prior to discharge to ground water. Since this is a general permit, it is not practical to require that a permittee install ground water monitoring wells for compliance determination, all applicable effluent limitations will be met prior to application to the land.

All mentioned above, there may be situations where the discharge can not be authorized, under the Division's jurisdiction, and a certification can not be issued. In these instances, an applicant will need to contact another state agency.

l. *Project Coverage – Entities such as oil and gas pipeline companies frequently hydrostatically test several segments of pipeline that extends across a large area. The permit writer has discretion to issue one certification that covers all discharges from a single project when this is practical and avoids unnecessary repetitive certifications. When project coverage is issued, the permit writer will determine that all effluent limitations and monitoring requirements are appropriate for all covered discharges to qualify for project coverage.*

IV. APPLICATION

Dischargers can apply for coverage under this general permit once the permit is issued.

Holders of certifications under the administratively extended MINDI (COG-600000) for hydrostatic testing will automatically be transferred to this new general permit. Their coverage under the MINDI will be transferred without a lapse of coverage (i.e. discharging without a permit) and without loss of fee payments. Incidentally, the annual fee for each of these general permits is $630, effective July 1, 2007. The permittee will have 90 days, from the date of transfer, to comply with any new terms and conditions of this general permit.

The Division will be terminating the MINDI permit (COG-600000) in a few months.

Nicole Smith
June 22, 2007

V. PUBLIC NOTICE COMMENTS

During the extended public notice period (June 22 to July 27, 2007), written comments were received from
Public Service Company of Colorado
Wright Water Engineers Inc,
Colorado Stormwater Council
Keep It Clean Partnership
Chatfield Watershed Authority, and
Roxborough Park Metropolitan District.
The Division will provide copies of any written comments upon written request. Topical summaries of the comments by entity and the response of the Division are provided below.

During the public notice period, the Division received numerous verbal requests to clarify that this general permit applies to industrial pipelines and not to domestic pipelines for treated-water transport, since the hydrotesting of the latter pipelines is already covered under another general permit (i.e., Discharges Associated with Treated Water Distribution Systems, COG-380000). This clarification is made with added text in the rationale and permit. The detailed information is added under "II. Types of Discharges Covered" in the rationale.

Public Service Company of Colorado, PSCo (dba Xcel Energy)

Comment 1: *The proposed monitoring frequency is based on the Division's Baseline Monitoring Frequency, Sample Type, and Reduced Monitoring Frequency Policy for Industrial and Domestic Wastewater Treatment Facilities. This policy is not applicable to the types of discharges covered under this permit which are expected to be short-term, not continuous, and at numerous locations along a pipeline. PSCo recommends that the monitoring frequency be adjusted to reflect the types of discharges this permit will cover, or provide language in the permit that the monitoring frequency will be established on a case-by-case basis.*

Response: The rationale has been revised because the monitoring frequency is not based on the policy referenced and instead is specific to this general permit. The low-volume batch discharge feature of hydrotesting is now specifically addressed under Section II of the rationale. On this basis, the limitations are set to daily maximum values with monitoring done twice per discharge event (see footnotes to Tables 1 and 2). This monitoring frequency should be reasonable for the discharge events that are expected to occur with hydrotesting. If the same hydrotesting program is conducted at discrete locations along an extensive pipeline, then the monitoring frequency can be adjusted on a site-specific basis with support for this decision provided in the certification. For example, once the 2X/discharge monitoring is completed on the first tested pipeline segment and evaluated, then the subsequent monitoring efforts may be reduced to 1X/discharge.

Comment 2: *The rationale states that a flow limit for each outfall will be identified; however, the permit states that a flow limit might apply. PSCo requests that the Division's intention be clarified, since these statements are inconsistent. Further, the requirement for a flow recorder is impossible to meet in most discharge situations and the flexibility stated in Part I.B.2.e should be allowed.*

Response: Consistent with the requirements of 5 CCR 1002-61.8(2)(i), the permittee shall report the volume of water discharged. Footnote to the tables now indicates that the flow estimate can be derived using one of several methods. The Division's intent is to have a reasonable estimate of the total flow discharged as a result of the hydrotesting and the assumption is made that the discharged volume will generally be in the range of 20,000 to 50,000 gallons per test and not exceed 1,000,000 gallons. The inconsistency is corrected.

Comment 3: *PSCO believes that the preparation of a Best Management Practices (BMP) plan is unnecessary and impractical given the type and duration of the discharges. The key elements of a BMP are already addressed in other sections of the permit or in sections of the application for a permit. For example, minimization of erosion is addressed as a narrative limitation. PSCo suggests that answers to questions in the application include a short description of how a particular concern will be addressed, as a practical alternative to requiring the preparation of an entirely separate document.*

Response: The permit has been clarified to indicate that a BMP Plan is only required when numeric effluent limits do not apply. In these cases, the Division believes it will be important to have site-specific measures that will be used to ensure the protection of water quality standards.

Comment 4: *The permit requires quarterly reporting of routine monitoring data collected at the outfall. Since the discharges are expected to be short-term and not continuous, this quarterly requirement is impractical. PSCo recommends that monitoring data be reported to the Division by the 28th of the month following the discharge.*

Response: Revisions are made to require monitoring 2X/discharge and monthly reporting by the 28th day of the month following the discharge.

Comment 5: *The option for a short-term certification is not available under the proposed permit. PSCo advocates the availability of this option, since it is compatible with the short-term nature of the discharges and would not require the additional paperwork of submitting quarterly "no discharge" reports for most of the 5 year period.*

Response: Effective July 1, 2007, legislation (HB 07-1329) removed the option for a short-term certification under annual fees – "(T) Category 26 Minimal discharge of industrial or commercial wastewaters – general permit". Thus, once the testing is complete, the certification can be terminated to avoid the need to submit monthly DMRs for the remainder of the general permit period. Termination of permit coverage needs to be initiated by the permittee.

Comment 6: *The Division has 30-days to review the application before deciding on issuance or denial of the certification. Given the nature of the discharges i.e., short-duration, low toxicity, not chemically complex), PSCo asks that this review time be shortened to 10 or 15 days to expedite the review process (such as is done with applications for the construction stormwater permit).*

Response: The Division recognizes the importance of timely action on applications for certifications under general permits and makes an effort to reach a decision within two weeks, especially if the permittee has initiated contact with the permit writer before submitting the application and discussed the nature of the project and basis for urgent action. The Division will continue to informally expedite the review process to meet the needs of permittees when possible; however, the option for the 30-day review period is needed since the Division encounters unexpected periods of excessive workload and can not maintain the shorter response time.

Comment 7: *Part I.A.3 of the permit indicates that projects within a geographic area may obtain blanket coverage, but there is no supporting explanation as to why project must be in the same geographic area. PSCo would like to obtain statewide coverage for discharges from testing of existing pipelines and not be restricted to coverage by geographic area.*

Response: Since a geographic area can be defined as an area within the boundaries of the state, statewide coverage is available for certifications under this general permit. If this option is exercised in the certification, the decision and supporting reasoning is to be provided in the rationale (see Project Coverage). The Division has issued numerous certifications with statewide coverage.

Comment 8: *Since the effluent limits are to be equal to the water-quality standards, the assumption can be made that the discharge will not impair the quality of the receiving water for the 303(d) listed parameters. On this basis, PSCo believes that footnote 3 to the table addressing limitations and monitoring requirements for testing of used pipelines should be deleted.*

Response: The footnote has been revised and indicates that additional parameters will be added, if the discharge contain as the same pollutant of concern that is the basis for listing the receiving water as impaired. On this basis other limits, equal to the water-quality standard, will be added if the permit writer decides this is needed to protect water quality.

Comment 9: *The rationale states that one salinity sample is required; however, the permit states that monthly samples will be taken for six months. PSCo requests clarification on the salinity sampling requirement. Further, PSCo supports the requirement for one sample is collected per discharge.*

Response: The 2x/discharge monitoring requirement applies to salinity and will be included for those discharges to waters of the Colorado River watershed. Since this measurement can be obtained with the use of an inexpensive hand-held electronic instrument (i.e., conductivity meter), this requirement should be attainable. However, the correlation between TDS and EC must be shown by paired analysis of 5 samples before the EC measure can be used instead of TDS.

Comment 10: *PSCo recommends that only the definitions utilized in the rationale and permit be included in the definition section.*

Response: The Division uses a standard boilerplate for permit documents which includes a set of definitions for common terms used in permits. The effort to adjust this list for each permit action is not warranted, given the limited resources of the Division and the lack of key negative consequences if additional definitions are provided.

Wright Water Engineers, Inc. (WWE)

Comment 11: *WWE believes that weekly rather than 3-days-per-week sampling is adequate for short-term discharges authorized under this general permit.*

Response: The Division reconsidered the sampling frequency and made a revision (refer to response to Comment 1).

Comment 12: *WWE believes that the requirement for a flow measurement device is not necessary and suitable simple options are available (i.e., bucket and stopwatch, volume of water is known, estimates based on pipeline dimensions).*

Response: The Division agrees and acknowledges that flow measurement options are available (refer to response to Comment 2).

Comment 13: *WWE believes that the requirement for Best Management Practices (BMP) plan for each discharge is not necessary, especially for those entities that may conduct 10 or more pipeline tests in a given year. The suggestion is that a general, institutional BMP plan (i.e., identify variety of acceptable BMPs for treatment of testing discharges and guidance for selecting appropriate BMP based on site-specific conditions)be prepared by the permittee.*

Response: The permittee may prepare a BMP plan for submittal as part of the application for a certification. As discussed in the response to Comment 3, the Division will review this plan and how it can be used to support the development of a certification.

Comment 14: *WWE provided a table of detailed edits and revisions to the rationale (8 entries) and permit (21 entries).*

Response: Many of the suggestions addressed material in the public notice draft that has been changed. The Division made an effort to evaluate the intent of the suggestions as they relate to the revised text and made additional changes. For example, the suggestion to include flushing as a recognized activity that could be authorized under the hydrotesting general permit was implemented in the revised general permit.

Colorado Stormwater Council (CSC)

Comment 15: *The CSC is concerned about the impacts to Colorado Municipal Separate Storm Sewer Systems (MS4s) that may result from the discharges that may be authorized under the array of proposed minimal industrial discharge general permits the Division sent to public notice on June 22, 2007. A the Division's July 10 meeting, CSC and other attendees expressed concerns about the inadequacy of the 30-day comment period to review and respond to these proposed general permits and requested extensions. The Division extended the comment period to August 27 for all proposed general permits, except for the hydrostatic testing general permit which was extended to July 27. CWC felt that all public comment periods should have been extended to August 27 and does not understand why one was treated differently.*

Response: The extension period for the hydrostatic testing general permit was not extended for two reasons.

First, the permit applied to well-defined activity within a relatively narrow industrial sector and discharges would be predominately in rural areas. Unfortunately, the draft sent to public notice was insufficiently clear about the exclusion of hydrotesting of treated water pipelines. With the further clarification of the scope of the permit, the expected level of general public concern would be substantially diminished. One of the key industries (PSCo) impacted by this general permit did provide substantial comments on the draft (see Comments 1 through 10).

Second, the Division needs to issue a certain number of permits, including certifications, by 1 October 2007 to meet the issuance goals set by EPA Region 8. The timely issuance of this general permit will contribute to the attainment of that goal. Thus, the Division reached the conclusion that, with the assumption on diminished concern by the general public, the approach to issue the general permit could proceed as planned.

Comment 16: *The proposed permit requires the permittee to obtain approval from each MS4 for a state-authorized discharge. This process raises several issues to the MS4s:*

- *Under the Phase I and II MS4 permits, discharges authorized under a separate Division permit and in compliance with the provisions of those permits are allowable but appear to conflict with other MS4 permit language (Part I.A.2 and Part II.A.2) and possibly with local ordinances.*
- *Does a MS4 incur a level of liability for a Division permitted discharge if the MS4 conveyance is utilized to transport the discharge to state waters? MS4 permits require action to address illicit discharges to stormwater sewer system.*
- *Some MS4s prefer only notification of Division permitted discharges but do not want to be required to provide approval of this discharge. Others prefer approval of such discharges in advance of Division permit issuance. There has been insufficient time for MS4s to develop internal strategies to address how this process would work.*
- *There is a need for a system whereby an MS4 can determine if a Division permitted discharger may or may not be potential source of a reported illicit discharge, such as a website where permitted dischargers enter addresses of where they are operating each week, and MS4s have access to that information to either accept or deny discharge to their storm drain system .*

On the basis of the above concerns, CSC requests the following changes to the permit:

- *Remove the application requirement that a permittee obtain written approval from the owner of the storm drain system for discharge,*
- *Add provision to exempt MS4s of liability for dischargers permitted under Division permit – including bypass, spill, or upset conditions.*
- *Develop, with adequate MS4 input, a website where an MS4 can access information on proposed discharge locations and expected dates of discharge.*
- *Provision to notify the MS4 in the event of a spill or noncompliance situation.*

Response: Based on input from MS4s, the permit no longer requires prior written approval from the owner of the system to be submitted with the application. The owner of the storm drain system has the right to decide on what inflows are accepted by the system -such as the owner of a domestic waster treatment facility has the right to decide on flows entering their collection system. For this reason, the Division can not unilaterally authorize a discharge to either type of permitted system and, thus, will require the permittee to contact the owner of the system to verify if there are additional ordinances, regulations, or requirements set by the owner of the system.

In response to the liability questions raised at the July 10 meeting, the Division provided an initial response in a July 13 letter sent to the MS4 contacts. Briefly, the response is - "Therefore, unless specifically directed by the Division, the MS4 permits do not require permittees to implement procedures to address pollutant sources resulting from activities and discharges not required by the program elements in Part I.B of the permits."

The Division is considering improved ways to provide detailed information on certifications issued under specific general permits, including online inventories.

The Division has a standing spill notification program which includes notification of the collection system and/or downstream water users when such events occur. This program will be reviewed to identify the need for specific text on notification of MS4s.

Comment 17: *If the Division has made the decision that discharges covered under this general permit may go to the stormwater system, then these permits should be best Management Practice (BMP) based, with the BMPs chosen to correspond with the constituents of concern. CSC requests that the general permit be changed from limited-based to a BMP-based.*

Response: The Division will maintain the options to use BMP-based and limit-based conditions in general permits, based on which combination is judged to be most effective in providing water-quality protection.

Comment 18: *Upset and by-pass language in Part II.6 and 7 is typical of wastewater process discharges and not to types of discharges expected under this general permit. CSC request that the bypass and upset clauses be removed from the permit.*

Response: Part II of the permit is standard boilerplate for use in all permits as required in the regulation and is not changed to accommodate the many specific conditions that may apply to a particular permit. If a component of Part II is not reasonably applicable to the nature of the authorized discharge, then there is a basis for non-implementation.

Comment 19: *The permit is unclear about coverage of discharges of potable water, which would be covered under a Treated Water Distribution general permit. Additional information is needed on clarification of the activities and/or volume thresholds that are intended to require coverage by this general permit.*

Response: This clarification is now provided (refer Section II in the rationale).

Keep It Clean Partnership (KICP)

Comment 20: *KICP was disappointed that the public comment period for this general permit was not extended to August 27, as was done for the other associated general permits sent to public notice on June 22, 2007. The KICP requests that the permit clarify that coverage does not include flushing, cleaning, maintenance, or operation of drinking water distribution system and related appurtenances, since such discharges are covered under the general permit for treated water and associated treated water management plan requirement of that permit.*

Response: The reason for not extending the public notice period is provided in the response to Comment 15. The clarification that the permit does not apply to treated water pipelines is added to the permit (refer to response to Comment 15 and second paragraph under Section V of the rationale).

Comment 21: *The KICP letter included many comments on the array of minimal industrial discharge general permits sent to public notice on June 22, 2007. These are summarized below.*

- *BMP-based permits are desirable for many of the discharges as opposed to limit-based permits*
- *Coordination between state and locals is essential*
- *The Division is to be applauded for reaching out to industry(such as heat transfer equipment cleaning industry) that performs discharge activities with a consistent, simple statewide compliance message and identifying appropriate BMPs for each activity, which is essential for compliance and enforcement.*

Response: The Division will continue with outreach efforts to stakeholders on permitting processes.

Chatfield Watershed Authority (CWA)

Comment 22: *The CWA does not support the position that all discharges are automatically de minimus, in terms of phosphorous contribution and requests that each certification state the reason, with supporting data, for the de minimus decision.*

Response: The Division reconsiders this assumption during the review of application for a certification. The Division agrees to provide in the certification information that was used to support use of this assumption

Comment 23: *While the prior minimal industrial discharge general permit had a phosphorus "report only" requirement, the proposed general permit does not list phosphorus limits or monitoring requirements. Please clarify.*

Response: The Division may require a phosphorous limit and/or monitoring for discharges to watershed subject to such control regulations. These requirements are addressed in Tables 1 and 2.

Comment 24: *CWA raised issues related to wasteload allocation for discharges authorized under the proposed general permit and how are these considered.*

Response: The Division issued certifications under the assumption that the specific discharge would contribute a de minimus amount of phosphorous and thus would not require consideration as to which category of wasteload allocation for total phosphorous would apply(i.e., reserve pool). The Division has not reviewed the available data from dischargers authorized under general permits to control watershed, assessed the total annual contribution of total phosphorus, evaluated the need for placing further conditions in general permits to annually limit the phosphorous load from all such discharges, and discussed with appropriate control authorities any needed set-aside of the reserve pool for this load.

Comment 25: *CWA recommends that the Division convene a small workgroup of Division staff and select members from the four affected watersheds to clarify the intent and language used in the proposed general permits, with respect to control regulations. Further, the CWA would like to have more involvement in the general permitting process in order to be able to provide a consistent message to industrial dischargers to the watershed and plan for associated workload increase to deal with such permitting issues.*

Response: The Division will continue discussions with stakeholders in the affected watersheds to determine if changes to the permit process or control regulations are warranted.

Roxborough Park Metropolitan District (RPMD) (letter by legal counsel- JacksonKelly, Attorneys at Law, PLLC)

Comment 26: *RPMD believes that there is inadequate water-quality data and scientific information available to evaluate the array of minimal industrial discharge general permits sent to public notice on June 22, 2007. Therefore, the Division should either –*

provide the relevant data and calculations and extent of each pollutant likely discharged form each facility operating under each general permit- then extend the comment deadline for 45 days,
or
terminate and void the proposed actions to adopt the general permits.

Response: General permits are created to provide permit coverage to facilities with similar operations and similar effluent chemistry. These permits are set up so that they can be obtained quickly, as opposed to an individual permit which may take a substantially longer time frame to obtain. Under these circumstances, limitations are set at the water quality standards, therefore, the facility is unable to take advantage of any dilution that may be available in meeting the permit limits.

In determination for coverage under the general permit, the source water and other potential additional parameters of concern are evaluated and additional requirements may be added to the certification. All applicable water quality standards may be covered under these certifications. Also, the permittee may be asked for additional information on the source water or effluent if possible (such as a water quality analysis), to assist in determining if there are other parameters of concern. Additionally, if there are unique circumstances surrounding a specific discharge, or if it is determined that a facility cannot meet the limitations set under the general permit, then coverage under the general would be denied and that facility would then need to apply for an individual permit.

Comment 27: *RPMD questions the assumption that discharges are expected to be de minimus contributors of phosphorus and request information used to reach this conclusion. Further, the suggestion in the permit that the permit writer will determine the actual quantity of discharged phosphorus and then reach a decision for certification precludes public knowledge of and input to this decision-making to set effluent limits.*

Response: The Division will provide additional information in the certifications on how de minimus decisions were reached (refer to responses to Comments 23 and 24).

While the permit writer does have some flexibility to use professional judgment in reaching a de minimus decision about the possible phosphorous load in the discharge, these decisions are reviewed by the Unit Manager before the certification is issued. As noted above, certifications will now include information on such decisions and the Division will meet with representatives of the control authorities to discuss further improvement to how control regulations are implemented in general permits and, subsequently, in certifications. As regulations and policies now exist, the issuance of a certification, and any amendments, are not subject to public notice or a standing requirement to solicit public input. The Division welcomes comments on issued certifications and Division-initiated amendments will occur if the Division concurs with the request.

Nicole Smith
September 11, 2007

STATE OF COLORADO

John W. Hickenlooper, Governor
Christopher E. Urbina, MD, MPH
Executive Director and Chief Medical Officer

Dedicated to protecting and improving the health and environment of the people of Colorado

4300 Cherry Creek Dr. S.
Denver, Colorado 80246-1530
Phone (303) 692-2000
Located in Glendale, Colorado

Laboratory Services Division
8100 Lowry Blvd.
Denver, Colorado 80230-6928
(303) 692-3090

http://www.cdphe.state.co.us

Colorado Department
of Public Health
and Environment

January 2, 2013

Jared Nessler, Const Mgr
H C P Constructors Inc
PO Box 15985
Colorado Springs, CO 80935

RE: Administrative Extension
Southern Deliver system Raw Water Pipeline S1 Segment
Permit No.: COG604161

Dear Mr. Nessler:

The discharge permit issued to you for your facility expired on December 31, 2012. We are in the process of developing a renewal permit, but the review procedures required by law have not been completed. Accordingly, we are giving you notice by this letter that your previous permit remains in effect under Section 104(7) of the Administrative Procedures Act, C.R.S. 1973, 24-4-101, et seq (1982 repl. vol. 10).

All effluent limitations, monitoring requirements, and other permit terms and conditions in your current permit will remain in effect until your new permit is issued.

Sincerely,

Loretta Houk

Loretta Houk
Water Quality Protection Section
WATER QUALITY CONTROL DIVISION

xc: County, Local Health Department
D.E., Technical Services Unit, WQCD
Compliance Monitoring & Data Management, WQCD
Permit File

STATE OF COLORADO

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Colorado Department
of Public Health
and Environment

June 21, 2012

Matt Foster, VP
Garney Construction
1333 NW Vivion Rd
Kansas City, MO 64118

RE: Certification, Colorado Discharge Permit System –Hydrostatic Testing Operations
Permit Number COG604000 Certification Number: COG604138

Dear Mr. Foster;

Enclosed please find a copy of the permit certification, which was issued under the Colorado Water Quality Control Act. **Please read the enclosed permit and certification.**

The Water Quality Control Division (the Division) has reviewed the application submitted for the Southern Delivery System South 2 Raw Water Pipeline facility and determined that it qualifies for coverage under the CDPS General Permit for **Hydrostatic Testing Operations** (the permit).

Discharge Specific Information
The discharge is to unnamed tributaries to the Arkansas River within segment 04d of the Middle Arkansas River Sub-basin, Arkansas River Basin, found in the Classifications and Numeric Standards for the Arkansas River Basin (Regulation No. 32) (COARMA04d). Segment 04d is **Use Protected,** and is classified for the following beneficial uses: Aquatic Life, Class 2 Warm; Recreation Class E; and Agriculture.

General Information

- **Permit Action Fees**: The Annual Fee for this certification is $630 [Category 26, Subcategory 2 Minimal Industrial Discharge per CRS 25-8-502] and is invoiced every July. Do Not Pay This Now. The initial invoice will be ***prorated*** and sent to the legal contact shortly.

- **Changes to the Certification:** Any changes that need to be made to the certification page – changes in outfalls, monitoring requirements, etc., must be submitted using the "Permit and Certification Modification form" available on our website: coloradowaterpermits.com, and signed by the legal contact.

- **Discharge Monitoring Reports (DMRs):** DMR forms will be mailed out within the next month. Reports must be submitted **monthly** as long as the certification is in effect. The permittee shall provide the Division with any additional monitoring data on the permitted discharge collected for entities other than the Division. This will be supplied to the Division within 48 hours of the receipt of the data by the permittee. If forms have not been received, please contact the Division at 303-692-3517.

- **Sampling Requirements:** Sampling shall occur at a point after treatment, or after the implementation of any Best Management Practices (BMPs). If BMPs or treatment are not implemented, sampling shall occur where the discharge leaves control of the permittee, and prior to entering the receiving stream or prior to discharge to land. Samples must be representative of what is entering the receiving stream.

- **Termination requirements:** This certification to discharge is effective long term, even though hydrostatic testing discharges are only expected for approximately three months. For termination of permit coverage, the permittee must initiate this by sending the "CDPS Permits and Authorization Termination Form." This form is also available on our web site and must be signed by the legal contact.

- **Certification Records Information:** The following information is what the Division records show for this certification. For any changes to Contacts – Legal, Local, Billing, or DMR – a "Notice of Change of Contacts form" must be submitted to the Division. This form is also available on our web site and must be signed by the legal contact.

Facility: Southern Delivery System South 2 Raw Water Pipeline

County: Pueblo

Industrial Activities Hydrostatic testing of steel pipeline

SIC Code 4600 and 4922

Other CDPS Permits for this Facility: Stormwater Discharges Associated with Construction Activity:

Legal Contact *Receives all legal documentation, pertaining to the permit certification. [including invoice; is contacted for any questions relating to the facility; and receives DMRs as appropriate.]*

Matt Foster, VP
Garney Construction
1333 NW Vivion Rd
Kansas City, MO 64118

Phone number: 816-746-7129
Email: mfoster@garney.com

Facility and DMR Contact *Contacted for general inquiries regarding the facility*

Ryan Schulte, Proj Admin
Garney Construction
1333 NW Vivion Rd
Kansas City, MO 64118

Phone number: 719-342-1261
Email: rschulte@garney.com

If you have any other questions please contact me at 303-692-3217.

Sincerely,

Nicole Rolfe

Nicole Rolfe, Permit Writer
WATER QUALITY CONTROL DIVISION

Enclosures: Certification page; General Permit

xc: Regional Council of Government
Pueblo County, Local County Health Department
D.E., Technical Services Unit, WQCD
Permit File

Colorado Department of Public Health and Environment

CERTIFICATION TO DISCHARGE UNDER CDPS GENERAL PERMIT COG604000
HYDROSTATIC TESTING OPERATIONS

Certification Number: **COG604138**

This Certification to Discharge specifically authorizes:

Garney Construction

to discharge from the facility identified as

Southern Delivery System South 2 Raw Water Pipeline

to: Unnamed Tributaries to the Arkansas River

Facility Located at: Spaulding Ave & Ashford Dr, Pueblo County, Pueblo West, CO 81007

Facility Location	Latitude 38.313909, Longitude -104.727055
Outfall 001-A	33,865 lineal feet of 66" steel pipeline will be hydrostatically tested. The hydrostatic effluent will be routed through various BMPs prior to discharging to tributaries to the Arkansas River at the northern portion of the project at Latitude: 38° 23' 30.16", Longitude: 104° 41' 24.64". The discharge is estimated at 200 GPM.
Outfall 002-A	33,865 lineal feet of 66" steel pipeline will be hydrostatically tested. The hydrostatic effluent will be routed through various BMPs prior to discharging to tributaries to the Arkansas River at the middle portion of the project at Latitude: 38° 21' 19", Longitude: 104° 41' 24.64". The discharge is estimated at 200 GPM.
Outfall 003-A	33,865 lineal feet of 66" steel pipeline will be hydrostatically tested. The hydrostatic effluent will be routed through various BMPs prior to discharging to tributaries to the Arkansas River at the southern portion of the project at Latitude: 38° 19' 30", Longitude: 104° 41' 24". The discharge is estimated at 200 GPM.

*All discharges must comply with the lawful requirements of federal agencies municipalities, counties, drainage districts and other local agencies regarding any discharges to storm drain systems, conveyances, or other water courses under their jurisdiction.

Permit Limitations and Monitoring Requirements apply as outlined in the Permit Part I.B and Part I.C

Parameter	Units	Discharge Limitations Maximum Concentrations	Monitoring Frequency[1]	Sample Type
		Daily Max.		
APPLICABLE TO ALL DISCHARGES AS LISTED IN GENERAL PERMIT				
pH (Minimum-Maximum) 00400	s.u.	6.5-9.0	2X/discharge	In-situ
Total Suspended Solids 00530	mg/l	30	2X/discharge	Grab
Oil and Grease[3] 03582	mg/l	10	2X/discharge	Grab[3]
Flow, 50050	MGD	Report[2]	2X/discharge	Instantaneous or Continuous
Oil and Grease Visual [3] 84066		Report[3]	2X/discharge	Visual[3]
Iron (Potentially Dissolved) 01317	ug/l	300	2X/discharge	Grab

1 Samples will be taken during the first and last hour of discharge. If the discharge is less than an hour, then the samples will be collected during the first and last 15 minutes of discharge. The sample point will be immediately following the discharge from the pipeline or vessel. If the discharge is going through BMPs or treatment then sampling point shall be after such BMPs/treatment and prior to discharge to State Waters.

2 Flow can be measured with a recorder or determined from estimates based on volume of fill water, dimension of the pipeline, or volume of the vessel filled with water.

3 There shall be no visual sheen. A visual observation for Oil and Grease is required twice per discharge. If a visible sheen is detected, a grab sample must be collected at the frequency established in the monitoring table above. If a visual sheen is not detected, a grab sample is not required.

Certification is issued 6/21/2012 **Effective 6/21/2012** **Certification Expires: 12/31/2012**

This certification under the permit requires that specific actions be performed at designated times. The certification holder is legally obligated to comply with all terms and conditions of the permit.

Signed,

Nathan Moore
Construction, MS4, & Pretreatment Unit Manager
Water Quality Control Division

CDPS GENERAL PERMIT

DISCHARGES ASSOCIATED WITH HYDROSTATIC TESTING OF PIPELINES, TANKS, AND SIMILAR VESSELS

AUTHORIZATION TO DISCHARGE UNDER THE

COLORADO DISCHARGE PERMIT SYSTEM

In compliance with the provisions of the Colorado Water Quality Control Act, (25-8-101 et seq., CRS, 1973 as amended) and the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.; the "Act"), facilities discharging wastewater from **hydrostatic testing of pipelines, storage tanks, and similar vessels** that are determined to be of minimal impact are authorized to discharge from approved locations throughout the State of Colorado to ground and/or surface waters of the State. Such discharges shall be in accordance with the conditions of this permit.

This permit specifically authorizes the permittee listed on page 1 of this permit, which is the facility certification, to discharge process generated wastewaters as of the date stated on page 1, in accordance with the permit requirements and conditions set forth in Parts I and II hereof and the facility certification. All discharges authorized herein shall be consistent with the terms and conditions of this permit.

Any party, including those currently certified under this general permit, may demand an adjudicatory hearing within thirty days of the issuance of the final permit determination, per the Colorado Discharge Permit System Regulations, Regulation No. 61 (5 CCR 1002-61). Should a party choose to contest any of the effluent limitations, monitoring requirements or other conditions contained herein, the party must comply with Section 24-4-104 CRS and the Colorado Discharge Permit System Regulations. Failure to contest any such effluent limitation, monitoring requirement, or other condition, constitutes consent to the condition by the party.

This permit and the authorization to discharge shall expire at midnight, **December 31, 2012**

Issued and Signed this 25th day of September, 2007

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Janet Kieler

Janet Kieler, Permits Section Manager
Water Quality Control Division

ISSUED AND SIGNED SEPTEMBER 25, 2007

EFFECTIVE DATE JANUARY 1, 2008

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PART I

A. COVERAGE UNDER THIS PERMIT

1. Eligibility

To be considered eligible for authorization to discharge under the terms and conditions of this permit, the owner or operator of any facility desiring to discharge **hydrostatic test water from the testing of new or used pipes, storage tanks, and similar vessels** to ground and/or surface waters of the State must submit a complete permit application form obtained from the Division. This also includes flushing. At least thirty days prior to the anticipated date of discharge, the application shall be submitted to:

Colorado Department of Public Health and Environment
WQCD-P-B2
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

The specific application for this general permit ,with instructions, is available as a hardcopy for pick-up, by calling (303) 692-3500, or online at the Division's website:
http://www.cdphe.state.co.us/wq/PermitsUnit/Industrial/index.html
The Division has thirty days after receipt of the above information to request additional data and/or deny the authorization for any particular discharge. Upon receipt of additional information, the Division has an additional thirty days to issue or deny authorization for the particular discharge.

If the Division determines that the operation does not fall under the authority of the general permit, then the information received will be treated as application for an individual permit. In such case, discharge is not allowed until a permit is issued, which may take 180 days.

This general permit will expire on **December 31, 2012**. The Division must evaluate this general permit at least once every five years and must also recertify all existing permittees' authority to discharge under the general permit at such time. Permittees desiring continued coverage under this general permit must re-apply 180 days prior to the expiration date of this general permit. The Division will review all applications and determine on a case-by-case basis if permittees are eligible to continue to operate under the terms of the general permit. An application for an individual permit will be required for any point source discharge not reauthorized to discharge under the reissued general permit.

2. Application Requirements

The application referenced above will require the following information:

a. Name, address, and descriptive location of the facility, including latitude and longitude. In the scenario where the discharge is not from a facility but from a linear project include a description of the location of the discharges, including the latitude and longitude of each approximate discharge location;
b. Names and contact information for legal contact and principal in charge of the project or operation of the facility;
c. Description of the type of activity resulting in the discharge, including the anticipated duration of the activity and/or the discharge, anticipated volume and rate of discharge, and the source of water, which is to be discharged;
d. Name of potential receiving State Waters, (including irrigation ditches, intermittent streams, dry drainage, and groundwater);
e. Where pollutants are expected in the discharge, a description of the wastewater treatment system, recycle/reuse, or BMPs utilized that will effectively and consistently meet all applicable effluent limitations (failure to provide satisfactory treatment may result in immediate denial);
f. A topographic map showing the general geographical location of the facility and/or discharge(s) and any nearby landfills, mine or mill tailings, or drinking water intakes;
g. A sketch of the facility and/or project showing all structures, discharge points, sampling locations, and receiving waters, as well as storage locations of any petroleum or chemicals on site;
h. A chemical analysis of the water to be discharged (only if requested by permit writer), if used pipelines are being tested expect that the Division will request chemical analysis;

3. Certification Requirements

Under this general permit, facilities performing **hydrostatic testing of pipelines, storage tanks, and similar vessels** may be granted authorization to discharge process generated wastewater effluent to ground and/or surface waters of the State of Colorado. Both new and used vessels are covered under this permit although different effluent limitations apply to each.

An entity can be granted blanket coverage under this permit when hydrostatic testing of multiple pipes, tanks, or similar vessels is being performed in the same geographic area providing common permit terms and conditions are appropriate. The certification will describe the physical boundaries authorized under that certification and any special conditions that may apply.

B. TERMS AND CONDITIONS

1. Narrative Limitations and Exclusions

The following limitations shall apply to all discharges covered by this permit:

a. Industrial discharges from hydrostatic testing of pipelines, storage tanks, and similar vessels shall not cause, have the reasonable potential to cause, or measurably contribute to an exceedance of water quality standard, including narrative standards for water quality.

b. Chemicals may not be added to the discharge unless the Division grants specific permission, which will be stated in the certification to discharge. In granting the use of chemicals, special conditions and monitoring requirements may be addressed in the certification to discharge.

c. There shall be no discharge of solid animal or food waste, vegetative wastes (grass, leaves, manure, garbage, etc.), or any floating solids or visible foam in other than trace amounts.

d. For dischargers that meet the conditions described in section I.B.3 and are implementing a Best Management Practices (BMP) Plan as required in section I.B.4, the Division reserves the right to require sampling and testing, on a case-by-case basis, in the event that there is reason to suspect that compliance with the permit and BMP Management Plan is a problem, or to measure the effectiveness of the BMP's in removing pollutants in the effluent.

e. The Division reserves the right to require the permittee to submit their BMP Management Plan(s) for review.

f. All discharges must comply with the lawful requirements of federal agencies, municipalities, counties, drainage districts, and other local agencies regarding any discharges to storm drain systems, conveyances, or other water courses under their jurisdiction. In addition, prior to the discharge the permittee must notify the owner of the system of the date, approximate time, location, and duration of the discharge(s).

g. Continuous discharges are not covered under this permit. Only discharges expected to be of short duration may be covered.

2. Numeric Effluent Limitations and Monitoring Requirements

In accordance with the Water Quality Control Commission Regulations for Effluent Limitations, Section 62.4. (5 CCR 1002-62), and the Colorado Discharge Permit System Regulations, Section 61.8.(2) (5 CCR 1002-61), the permitted discharge shall not contain effluent parameter concentrations which exceed the following limitations. For discharges that meet the requirements for being exempt from effluent limits and require the implementation of a BMP Management Plan, see section I.B.3 and I.B.4 of this permit.

Discharges authorized under this permit are considered temporary in nature due to their expected short duration.

a. Numeric Effluent Limitations and Monitoring Requirements for **New** pipelines, tanks, or other similar vessels

Effluent Parameter	Discharge Limitations	Monitoring Frequency[1]	Sample Type
	Daily Max		
Flow, gpm	Report[2]	2 X/ discharge	Estimate
Total Suspended Solids, mg/l	30	2 X/ discharge	Grab
Oil and Grease, mg/l[3]	10	2 X/ discharge	Visual/Grab
pH, s.u.	6.5-9.0	2 X/ discharge	In-situ
Dissolved Iron, mg/l	0.3	2 X/ discharge	Grab
Site-specific[4]			
Total Residual Chlorine, mg/l	0.019	2 X/ discharge	In-situ
Other Pollutants, units	Limit	2 X/ discharge	Grab
Other Pollutants, units	Report	2 X/ discharge	Grab
Total Dissolved Solids, mg/l[5]	Report	2 X/ discharge	Grab
Total Phosphorus, mg/l[6]	0.05	2 X/ discharge	Grab
Total Phosphorus, mg/l[6]	Report	2 X/ discharge	Grab

b. Numeric Effluent Limitations and Monitoring Requirements for **Used** pipelines, tanks, or other similar vessels

Effluent Parameter	Discharge Limitations	Monitoring Frequency[1]	Sample Type
	Daily Max		
Flow, gpm	Report[2]	2 X/ discharge	Estimate
Total Suspended Solids, mg/l	30	2 X/ discharge	Grab
Oil and Grease, mg/l[3]	10	2 X/ discharge	Visual/Grab
pH, s.u.	6.5-9.0	2 X/ discharge	In-situ
Total Recoverable Iron, mg/l	1.0	2 X/ discharge	Grab
Dissolved Iron, mg/l	0.3	2 X/ discharge	Grab
Site-specific[4]			
Total Residual Chlorine, mg/l	0.019	2 X/ discharge	In-situ
Benzene, mg/l	0.0022	2 X/ discharge	Grab
Toluene, mg/l	1.0	2 X/ discharge	Grab
Ethyl Benzene, mg/l	0.530	2 X/ discharge	Grab
Xylenes, mg/l	1.4	2 X/ discharge	Grab
Other Pollutants, units	Limit	2 X/ discharge	Grab
Other Pollutants, units	Report	2 X/ discharge	Grab
Total Dissolved Solids, mg/l[5]	Report	2 X/ discharge	Grab
Total Phosphorus, mg/l[6]	0.05	2 X/ discharge	Grab
Total Phosphorus, mg/l[6]	Report	2 X/ discharge	Grab

1 Samples will be taken during the first and last hour of discharge. If the discharge is less than an hour, then the samples will be collected during the first and last 15 minutes of discharge. The sample point will be immediately following the discharge from the pipeline or vessel. If the discharge is going through BMPs or treatment then sampling point shall be after such BMPs/treatment and prior to discharge to State Waters. If the same hydrotesting program is conducted in more than one location along an extensive pipleline, then the monitoring frequency can be adjusted on a site-specific basis with support for this decision provided in the certification.

2 Flow can be measured with a recorder or determined from estimates based on volume of fill water, dimension of the pipeline, or volume of the vessel filled with water.

3 There shall be no visual sheen. If a visual sheen is detected a grab sample is required.

4 Limits will be established on a site-specific basis for additional parameters. For example if the fill water is a drinking water supply, then total residual chlorine monitoring will be required. See Part I.B.2.d of this permit.

5 Monitoring is required only for discharges within the Colorado River Basin

6 Monitoring and/or numeric effluent limits may apply to discharges to watersheds with a control regulation for Phosphorus.

c. Water Quality Standards – Site-specific limitations for additional parameters will be added on a case-by-case basis that are equivalent to the water quality standards found in The Basic Standards and Methodologies for Surface Water (5 CCR 1002-31) or The Basic Standards for Ground Water (5 CCR 1002-41), as appropriate, and will be specified in the certification along with appropriate monitoring frequencies.

d. Chemical Addition – All chemicals that are or may be in the discharge are subject to review and approval. A Material Safety Data Sheet (MSDS) showing aquatic toxicity data shall be submitted with the permit application. The permit writer will review the MSDS and any other applicable information prior to approval. If additional pollutants may be discharged as a result of the chemical addition, limitations and/or monitoring may be added to those in the table above to assure constituents in the chemicals do not violate water quality standards.

e. Volume of Water Discharged (Flow) – A flow limit may apply. See the individual certification rationale for the flow limit applicable to the facility. Either a flow measuring device or an approved alternate determination of the total volume and total time of discharge may be used for effluent flow monitoring; see footnote 2 from tables above.

f. Salinity Monitoring – In compliance with the Colorado River Salinity Standards (Regulation No. 39) and the Colorado Discharge Permit System Regulations (Regulation No. 61), all permittees in the Colorado River basin shall monitor for total dissolved solids (TDS). Samples shall be taken at all authorized outfalls. If TDS monitoring is a requirement of the permit then it shall be included in the site-specific certification. Additional monitoring for TDS shall be included on the DMR and shall be subject to the permit's monitoring and reporting requirements. TDS sampling shall be taken as a grab sample.

g. Control Regulations—Control regulations exist to place additional limits on discharges to surface waters in five watersheds – Dillon Reservoir, Cherry Creek Reservoir, Chatfield Reservoir, Cheraw Lake, and Bear Creek Reservoir. The total available wasteloads (i.e., phosphorus) have been allocated in these regulations to various point and non-point sources that discharge on these watersheds. Certifications for discharges to these watersheds may include limitations and/or monitoring requirements for the parameters specified in the regulation.

h. Discharges to 303(d) listed waters – Since the effluent limits are equal to the water-quality standards and the discharge is expected to be short-term or intermittent, the assumption is that the discharge will not further impair the quality of the receiving water for the 303(d)-listed parameters.

i.. Discharging to Ground Water – Facilities permitted under this general permit may discharge to ground water via land application, infiltration ponds or other approved means. Because the standards for groundwater are based on water supply and agricultural uses, which also apply to surface waters of the state, the Division has determined that discharges that are protective of surface water standards are also protective of groundwater standards, unless a more stringent site-specific groundwater standard has been adopted. The Division will include a site-specific limit in the certification or require coverage under an individual permit as needed to implement more stringent site-specific groundwater standards. Certain discharges, due to proximity to alluvial water associated with nearby surface slow, are considered to be hydrologically connected to this surface flow and will be considered a discharge to surface water. If a permittee desires to discharge to ground water via approved means, the permittee shall demonstrate in the application by what method effluent will be discharged to ground water, and how and where effluent can be monitored prior to discharge to ground water. All applicable effluent limitations will be met prior to application to the land.

j. Additional Monitoring – The Division reserves the right to request monitoring of additional pollutants to measure the effectiveness of Best Management Practices (BMP's) in removing pollutants in the effluent (see Part I.B.3. and 4. of this permit). Such monitoring shall be implemented, where appropriate, as described in the facility's certification.

3. Exemptions From Numeric Effluent Limitations and Monitoring Requirements

The Division may exempt the need to impose numeric effluent limitations and monitoring requirements in an applicants certification to discharge if all of the following conditions can be met. In addition, the permittee will be required to create and implement a BMP Management Plan (See Part I.B.4).

a. The pipelines or vessels being tested are new;
b. If groundwater is the source water used in the testing, there shall be no evidence of contamination (the Division may request analysis upon review of the application);
c. The flow rate is minimal, intermittent and short-term;
d. No additives have been added to the 'Source Water'
e. The discharge is not to a 303 (d) listed segment impaired for sediment, pH, or Dissolved Iron;
f. The permittee (applicant) does not have a history of non-compliance with the previous MINDI permit for discharges associated with hydrostatic testing; and
g. The applicant prepares a working and functioning Best Management Practice (BMP) Management Plan

Upon review of the application, the Division will determine if all of the above mentioned conditions can be met to allow for an exemption of numeric effluent limits and monitoring requirements. The certification to discharge will state whether numeric effluent limitations and monitoring requirements will be a condition of the permit or whether compliance with a BMP Management Plan will be a condition of the permit.

4. Best Management Practices (BMP) Management Plan

Applicants who can meet the conditions stated in Part I.B.3 and believe numeric effluent limitations should not be applicable and compliance with a BMP Management plan would sufficiently protect water quality shall prepare a BMP Management Plan prior to discharge. A copy of the BMP Plan shall be kept on site and updated whenever necessary to adequately represent field conditions. The BMP Plan DOES NOT need to be submitted to the Division unless specifically requested.

The permittee shall implement and maintain the BMP Plan for the prevention of erosion and the control of solid and liquid pollutants due to the discharge. The procedures in the plan must be followed for each discharge.

a. The BMP Management Plan shall include the following items, at a minimum:

1. **Location of the Discharge**--Name, address, and descriptive location of the facility, including latitude and longitude. In the scenario where the discharge is not from a facility but from a linear project include a

description of the location of the discharges, including the latitude and longitude of each approximate discharge location.

2. **Legal Contact Information**--Names and contact information for legal contact and principal in charge of project or operation of the facility;

3. **Description of the Discharge**--Description of the type of activity resulting in the discharge, including the anticipated duration of the activity and/or the discharge, anticipated volume and rate of discharge, and the source of water, which is to be discharged;

4. **Identify the Receiving Stream**--Name of potential receiving State Waters, (including irrigation ditches, intermittent streams, dry drainage, and groundwater);

5. **Overview Map**--A topographic map showing the general geographical location of the facility and/or project, identify the location of the discharge(s), and any nearby landfills, mine or mill tailings,

6. **Site Map**—A site map containing the following:

   a. A sketch of the facility and/or project boundary,
   b. A sketch showing all structures including storage locations of any petroleum or chemicals on site,
   c. The location of the discharge points (numbered),
   d. The location of the receiving waters,
   e. The location of the BMPs selected to reduce the pollutant sources identified

7. **Potential Pollutant Sources**--Identify all potential pollutants which may reasonably be expected in the discharge or expected to effect the discharge;

   At a minimum, each of the following sources and activities shall be evaluated for the potential to contribute pollutants to the discharge, and identified in the BMP Management Plan if found to have such potential:

   a. The potential for Total Suspended Solids to be in the discharge, there shall be no sludge banks or deposition of solids downstream from the discharge;
   b. The potential for Oil and Grease to be in the discharge; there shall be no visible sheen in the discharge;
   c. The potential for debris from inside the new pipeline or vessel to be in the discharge; there shall be no visible evidence of solids or debris in the discharge;
   d. The potential for pollutants to be in the discharge as a result of the source water, (i.e., if the source water is from a drinking water supply, chlorine is a potential pollutant source);
   e. The potential from any hazardous materials or chemicals stored or used on site to be in the discharge;
   f. The potential for spills from bulk storage structures for gasoline and other chemicals to enter the effluent stream or waters of the State. These structures shall have adequate protection so as to contain all spills;
   g. Significant dust or particulate generated at job site;

8. **Best Management Practices**--Identify and describe the Best Management Practices that will be implemented at the site to reduce the potential of the sources identified in Part B.4.a.7 to contribute pollutants to the process water discharge. The Plan shall clearly describe the installation and implementation specifications for each BMP identified in the Plan to ensure proper implementation, operation and maintenance of the BMP.

   Practices may include, but are not limited to:

   a. Hazardous materials or chemicals stored or used on site shall be adequately handled and contained to prevent spills. Earthen dikes or concrete basins with capacity to hold contents of storage tanks or containers shall be used to prevent spills of these materials into State Waters in the event of failure of the storage containers.
   b. Control of excessive suspended solids shall be undertaken as necessary to prevent reaching surface receiving waters and causing any receiving water deterioration.

c. Total suspended solids can be reduced by filtering the discharge, by directing the water into a settling basin and allowing the solids to settle, or by developing a clearwell and pumping from this structure in the case of groundwater discharges, using filter bags, sediment traps, etc.;
d. Modification of the pipe discharge structure to disperse flows;
e. In the case of oxygen-consuming pollutants in the discharge, BOD may be reduced by filtering or screening out solid particles before discharge. Removal of all debris in pipeline or vessel shall be done prior to hydrostatic testing. Collected debris shall be disposed of properly and promptly so as not to contaminate effluent or State Waters.
f. Discharges that may contain oil or grease shall be treated with oil absorbent booms, socks, pads, or directed through a filter structure containing oil absorbing material before discharge. An oil/water separator may be needed to comply with the effluent limitations (for fixed facilities).

9. **Structural BMP Maintenance**—This part of the plan shall describe how the structural BMPs will be maintained. For example, if the applicant is proposing to use filter bags to control the suspended solids in the discharge, describe how the filter bags will be maintained (e.g.; the filter bags will be emptied as required by the manufacturers specifications, the bags will emptied after the bag has filtered 500 gallons of discharge water). BMPs must be maintained in a manner and frequency to ensure that pollutants are not released to waters of the state.

10. **Inspection Report/Records** —A requirement of the BMP Management Plan is to perform and document visual inspections. Visual inspections must be performed at least twice per discharge at each discharge location. Inspection records must be maintained for the life of the permit or 3 years, whichever is greater. The Division reserves the right to request copies of inspection records, and/or the Division reserves the right to inspect the permitted discharge and request to review the inspection records at the time of inspection.

    Inspection Records, must include at minimum:

    a. The name of the individual performing the inspection;
    b. The time and date of the inspection;
    c. Indicate which discharge point this inspection record addresses;
    d. A description of the discharge., i.e., 'the discharge is visibly clear' or 'the discharge slightly turbid', or 'the discharge has a visual sheen to it', etc.;
    e. A description of problems found with the structural BMPs / are the BMPs functioning properly;
    f. A description of the corrective action taken to correct the deficiencies found with any BMP;
    g. A description of any pollutants that have been discharged to state waters

11. **Required Actions**—Where site inspections note the need for BMP maintenance activities, BMPs must be maintained, repaired, or replaced immediately. This must be documented on the Inspection Record.

5. Other Site-specific Conditions

Specific permit conditions may be applied for compliance with any Division compliance order on consent, cease and desist order, or an EPA administrative order, or similar decree promulgated by the Division, EPA, or other regulatory authority.

C. DEFINITIONS

1. EPA methods 502, 602, 624, 1624, 8020, 8240, or 8260 shall be used for the measurement of total benzene, ethylbenzene, toluene, and xylenes including ortho- meta-, and para-xylene.

2. A "composite" sample, for monitoring requirements, is a minimum of four (4) grab samples collected at equally spaced two (2) hour intervals and proportioned according to flow.

3. A "continuous" measurement, for flow monitoring requirements, is a measurement obtained from an automatic recording device, which continually measures flow.

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

5. "Dissolved (D) metals fraction" is defined in the Basic Standards and Methodologies for Surface Water 1002-31, as that portion of a water and suspended sediment sample which passed through a 0.40 or 0.45 UM (micron) membrane filter. Determinations of "dissolved" constituents are made using the filtrate. This may include some very small (colloidal) suspended particles which passed through the membrane filter as well as the amount of substance present in true chemical solution.

6. A "grab" sample, for monitoring requirements, is a single "dip and take" sample.

7. An "in-situ" measurement, for monitoring requirements, is a single reading, observation, or measurement performed on site.

8. "Potentially dissolved (PD) metals fraction" is defined in the Basic Standards and Methodologies for Surface Water 1002-31, as that portion of a constituent measured from the filtrate of a water and suspended sediment sample that was first treated with nitric acid to a pH of 2 or less and let stand for 8 to 96 hours prior to sample filtration using a 0.40 or 0.45-UM (micron) membrane filter. Note the "potentially dissolved" method cannot be used where nitric acid will interfere with the analytical procedure used for the constituent measured.

9. "Salinity" is measured as Total Dissolved Solids (TDS). Where based on a minimum of 5 samples, the permittee demonstrates a correlation to the satisfaction of the Division that the level of TDS in the effluent can be calculated based upon the level of electrical conductivity, the permittee may measure and report salinity in terms of electrical conductivity.

10. "Total Recoverable Metals" means that portion of a water and suspended sediment sample measured by the total recoverable analytical procedure described in Methods for Chemical Analysis of Water and Wastes, U.S. Environmental Protection Agency, March 1979 or its equivalent.

11. A "visual" observation, for Oil and Grease monitoring requirements, is defined as observing the discharge to check for the presence of a visible sheen or floating oil. If either of these is present, a grab sample shall be taken, analyzed, and reported on the appropriate DMR. In addition, corrective action shall be taken immediately to mitigate the discharge of oil and grease. A description of the corrective action taken should be included with the DMR.

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

D. ADDITIONAL MONITORING REQUIREMENTS

1. Discharge Sampling Point

Discharge points shall be so designed or modified so that a sample of the effluent can be obtained at a point after the final treatment process and prior to discharge to State Waters. The permittee shall provide access to the Division to sample the discharge at these points.

2. Additional Monitoring by Permittee

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

E. GENERAL MONITORING, SAMPLING AND REPORTING REQUIREMENTS

1. Routine Reporting of Data

For permittees required to report the data gathered in compliance with Part I.B.2. shall be on a **monthly** basis. All data shall be reported on Division approved discharge monitoring report (DMR) forms (EPA form 3320-1). Monitoring results shall be summarized as appropriate for each calendar month. The highest monthly value for the calendar quarter shall be reported in the appropriate place on the DMR. The original top copy of the form shall be mailed to the Division, as indicated below, so that the DMR is received no later than the 28th day of the following month (for example, January's DMR is due to the Division on the 28th day of February) If no discharge occurs during the reporting period, "No Discharge" shall be reported. Refer to the instructions on the back of the DMR forms for additional reporting information.

The DMR forms consist of multiple pages. After the DMR form has been completely filled out and signed, the copies must be separated and distributed as follows:

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

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

All additional copies are for the permittee records. The Discharge Monitoring Report forms shall be filled out accurately and completely in accordance with requirements of this permit and the instructions on the forms. They shall be signed by an authorized person as identified in Part I.E.6.

Calculations for all limitations which require the averaging of measurements shall utilize an arithmetic mean unless otherwise specified in the permit.

2. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other wastestream, body of water, or substance. Monitoring points shall not be changed without notification to and approval by the Division.

If the permittee monitors at the point of discharge any pollutant limited by the permit more frequently than required by the permit, using approved test procedures or as specified in the permit, the result of this monitoring shall be included in the calculation and reporting of data to the Division.

3. Analytical and Sampling Methods for Monitoring

The permittee shall install, calibrate, use and maintain monitoring methods and equipment, including biological and indicated pollutant monitoring methods. All sampling shall be performed by the permittee according to specified methods in 40 CFR Part 136; methods approved by EPA pursuant to 40 CFR Part 136; or methods approved by the Division, in the absence of a method specified in or approved pursuant to 40 CFR Part 136. **The analytical method selected for a parameter shall be the one that can measure the lowest detected limit for that parameter unless the permit limitation or stream standard for those parameters not limited, is within the testing range of another approved method.** When requested in writing, the Division may approve an alternative analytical procedure or any significant modification to an approved procedure.

When the most sensitive analytical method which complies with this part, has a detection limit greater than or equal to the permit limit, the permittee shall report "less than (the detectable limit)," as appropriate. Such reports shall not be considered as violations of the permit limit. The present lowest method detection limits for specific parameters (which have limitations that are, in some cases, less than or equal to the detection limit) are as follows:

Effluent Characteristic	Method Detection Limits, mg/l
Arsenic	0.010
Cadmium	0.005
Chromium	0.010
Chromium, Hexavalent	0.010
Copper	0.005
Iron	0.1
Lead	0.005
Manganese	0.6
Mercury	0.000003
Nickel	0.020
Phenols	0.050
Selenium	0.010
Silver	0.0002
Zinc	0.010

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

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

Monitoring is required only when chlorine is present in any concentration in the source water or is added. For purposes of this permit the method detection limits of the DPD colorimetric and the amperometric titration methods of analysis for total residual chlorine are as follows:

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

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

4. Records

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

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

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

5. Signatory and Certification Requirements

a. All reports and other information (including BMP Management Plans) required by the Division, shall be signed and certified for accuracy by the permittee in accord with the following criteria:

i) In the case of corporations, by a principal executive officer of at least the level of vice-president or his or her duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge described in the form originates;

ii) In the case of a partnership, by a general partner;

iii) In the case of a sole proprietorship, by the proprietor;

iv) In the case of a municipal, state, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

b. All reports required by permits, and other information requested by the Division shall be signed by a person as described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

i) The authorization is made in writing by a person described above;

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

iii) The written authorization is submitted to the Division.

If an authorization as described in this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of this section must be submitted to the Division prior to or together with any reports, information, or applications to be signed by an authorized representative.

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

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

PART II

A. NOTIFICATION REQUIREMENTS

1. Notification to Parties

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

a. **Oral Notifications, other than for spills**, during normal business hours shall be to:

Industrial Compliance Officer
Water Quality Control Division
Telephone: (303) 692-3500

Spills notifications at any time and **other notifications** after hours shall be to :

Environmental Release and Incident Reporting Line
Telephone: (877) 518-5608

b. **Written notification** shall be to:

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

2. Change in Discharge

The permittee shall notify the Division, in writing, of any planned physical alterations or additions to the permitted facility. For non-fixed facilities, the permittee shall notify the Division of any changes to the discharge, such as additional discharge points, a change in the discharge flow, etc. The Division, upon review of the submitted materials will amend the certification to discharge. Authorization for the change in discharge is not effective until the amended certification is issued. Notice is required only when the alteration or addition could significantly change the nature or increase the quantity of pollutants discharged, or;

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

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

3. Special Notifications - Definitions

a. Bypass: The intentional diversion of waste streams from any portion of a treatment facility.

b. Severe Property Damage: Substantial physical damage to property at the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. It does not mean economic loss caused by delays in production.

c. Spill: An incident in which flows or solid materials are accidentally or unintentionally allowed to flow or escape so as to be lost from the treatment, processing or manufacturing system which may cause or threaten pollution of State Waters.

d. Upset: An exceptional incident in which there is unintentional and temporary noncompliance with permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

4. Noncompliance Notification

   a. If, for any reason, the permittee does not comply with or will be unable to comply with any discharge limitations or standards specified in this permit, the permittee shall, at a minimum, provide the Division and EPA with the following information:

      i) A description of the discharge and cause of noncompliance;

      ii) The period of noncompliance, including exact dates and times and/or the anticipated time when the discharge will return to compliance; and

      iii) Steps being taken to reduce, eliminate, and prevent recurrence of the noncomplying discharge.

   b. The permittee shall report the following circumstances **orally within twenty-four hours** from the time the permittee becomes aware of the circumstances, and shall mail to the Division a written report containing the information requested in Part II.A.4 (a) **within five days** after becoming aware of the following circumstances:

      i) Circumstances leading to any noncompliance which may endanger health or the environment regardless of the cause of the incident;

      ii) Circumstances leading to any unanticipated bypass which exceeds any effluent limitations in the permit;

      iii) Circumstances leading to any upset or spill which causes an exceedance of any effluent limitation in the permit;

      iv) Daily maximum violations for any of the pollutants limited by Part I.A of this permit and specified as requiring 24-hour notification. This includes any toxic pollutant or hazardous substance or any pollutant specifically identified as the method to control any toxic pollutant or hazardous substance.

   c. The permittee shall report instances of non-compliance which are not required to be reported within 24-hours at the time Discharge Monitoring Reports are submitted. The reports shall contain the information listed in sub-paragraph (a) of this section.

5. Other Notification Requirements

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

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

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

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

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

      i) One hundred micrograms per liter (100 ug/l);

      ii) 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 2-methyl-4.6-dinitrophenol; and one milligram per liter (1.0 mg/l) for antimony;

      iii) Five times the maximum concentration value reported for that pollutant in the permit application in accordance with Section 61.4(2)(g).

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

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

      i) Five hundred micrograms per liter (500 ug/l);

      ii) One milligram per liter (1 mg/l) for antimony; and

      iii) Ten (10) times the maximum concentration value reported for that pollutant in the permit application.

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

6. Bypass Notification

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

7. Upsets

a. Effect of an Upset

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

b. Conditions Necessary for a Demonstration of Upset

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

i) An upset occurred and that the permittee can identify the specific cause(s) of the upset; and

ii) The permitted facility was at the time being properly operated and maintained; and

iii) The permittee submitted proper notice of the upset as required in Part II.A.4. of this permit (24-hour notice); and

iv) The permittee complied with any remedial measure necessary to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reason able likelihood of adversely affecting human health or the environment.

In addition to the demonstration required above, a permittee who wishes to establish the affirmative defense of upset for a violation of effluent limitations based upon water quality standards shall also demonstrate through monitoring, modeling or other methods that the relevant standards were achieved in the receiving water.

c. Burden of Proof

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

8. Discharge Point

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

9. Proper Operation and Maintenance

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

10. Minimization of Adverse Impact

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

11. Removed Substances

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

Where applicable, the permittee shall dispose of sludge in accordance with all State and Federal regulations.

12. Submission of Incorrect or Incomplete Information

Where the permittee failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or report to the Division, the permittee shall promptly submit the relevant information which was not submitted or any additional information needed to correct any erroneous information previously submitted. The 30 days the Division has to process the permit will be put on hold until all additional information is submitted.

13. Bypass

a. Bypasses are prohibited and the Division may take enforcement action against the permittee for bypass, unless:

i) The bypass is unavoidable to prevent loss of life, personal injury, or severe property damage;

ii) There were no feasible alternatives to bypass such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

iii) Proper notices were submitted in compliance with Part II.A.4.

b. "Severe property damage" as used in this Subsection means substantial physical damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

c. The permittee may allow a bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance or to assure optimal operation. These bypasses are not subject to the provisions of paragraph (a) above.

d. The Division may approve an anticipated bypass, after considering adverse effects, if the Division determines that the bypass will meet the conditions specified in paragraph (a) above.

14. Reduction, Loss, or Failure of Treatment Facility

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

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

B. RESPONSIBILITIES

1. Inspections and Right to Entry

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

a. To enter upon the permittee's premises where a regulated facility or activity is located or in which any records are required to be kept under the terms and conditions of this permit;

b. At reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit and to inspect any monitoring equipment or monitoring method required in the permit; and

c. To enter upon the permittee's premises in a reasonable manner and at a reasonable time to inspect and/or investigate, any actual, suspected, or potential source of water pollution, or to ascertain compliance or non compliance with the Colorado Water Quality Control Act or any other applicable state or federal statute or regulation or any order promulgated by the Division. The investigation may include, but is not limited to, the following: sampling of any discharge and/or process waters, the taking of photographs, interviewing of any person having knowledge related to the discharge permit or alleged violation, access to any and all facilities or areas within the permittee's premises that may have any affect on the discharge, permit, or alleged violation. Such entry is also authorized for the purpose of inspecting and copying records required to be kept concerning any effluent source.

d. The permittee shall provide access to the Division to sample the discharge at a point after the final treatment process but prior to the discharge mixing with State Waters upon presentation of proper credentials.

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

2. Duty to Provide Information

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

3. Transfer of Ownership or Control

a. Except as provided in paragraph b. of this section, a permit may be transferred by a permittee only if the permit has been modified or revoked and reissued as provided in Section 61.8(8) of the Colorado Discharge Permit System Regulations, to identify the new permittee and to incorporate such other requirements as may be necessary under the Federal Act.

b. A permit may be automatically transferred to a new permittee if:

i) The current permittee notifies the Division in writing 30 days in advance of the proposed transfer date; and

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

iii) The Division does not notify the existing permittee and the proposed new permittee of its intent to modify, or revoke and reissue the permit.

iv) Fee requirements of the Colorado Discharge Permit System Regulations, Section 61.15, have been met.

4. Availability of Reports

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

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

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

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

a. A permit may be modified, suspended, or terminated in whole or in part during its term for reasons determined by the Division including, but not limited to, the following:

i) Violation of any terms or conditions of the permit;

ii) Obtaining a permit by misrepresentation or failing to disclose any fact which is material to the granting or denial of a permit or to the establishment of terms or conditions of the permit; or

iii) Materially false or inaccurate statements or information in the permit application or the permit.

iv) A determination that the permitted activity endangers human health or the classified or existing uses of State Waters and can only be regulated to acceptable levels by permit modifications or termination.

b. A permit may be modified in whole or in part for the following causes, provided that such modification complies with the provisions of Section 61.10 of the Colorado Discharge Permit System Regulations:

i) There are material and substantial alterations or additions to the permitted facility or activity which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit.

ii) The Division has received new information which was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and which would have justified the application of different permit conditions at the time of issuance. For permits issued to new sources or new dischargers, this cause includes information derived from effluent testing required under Section 61.4(7)(e) of the Colorado Discharge Permit System Regulations. This provision allows a modification of the permit to include conditions that are less stringent

than the existing permit only to the extent allowed under Section 61.10 of the Colorado Discharge Permit System Regulations.

iii) The standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued. Permits may be modified during their terms for this cause only as follows:

(A) The permit condition requested to be modified was based on a promulgated effluent limitation guideline, EPA approved water quality standard, or an effluent limitation set forth in 5 CCR 1002-62, § 62 et seq.; and

(B) EPA has revised, withdrawn, or modified that portion of the regulation or effluent limitation guideline on which the permit condition was based, or has approved a Commission action with respect to the water quality standard or effluent limitation on which the permit condition was based; and

(C) The permittee requests modification after the notice of final action by which the EPA effluent limitation guideline, water quality standard, or effluent limitation is revised, withdrawn, or modified; or

(D) For judicial decisions, a court of competent jurisdiction has remanded and stayed EPA promulgated regulations or effluent limitation guidelines, if the remand and stay concern that portion of the regulations or guidelines on which the permit condition was based and a request is filed by the permittee in accordance with this Regulation, within ninety (90) days of judicial remand.

iv) The Division determines that good cause exists to modify a permit condition because of events over which the permittee has no control and for which there is no reasonable available remedy.

v) The permittee has received a variance.

vi) When required to incorporate applicable toxic effluent limitation or standards adopted pursuant to § 307(a) of the Federal act.

vii) When required by the reopener conditions in the permit.

viii) When the level of discharge of any pollutant which is not limited in the permit exceeds the level which can be achieved by the technology-based treatment requirements appropriate to the permittee under Section 61.8(2) of the Colorado Discharge Permit System Regulations.

ix) To establish a pollutant notification level required in Section 61.8(5) of the Colorado Discharge Permit System Regulations.

x) To correct technical mistakes, such as errors in calculation, or mistaken interpretations of law made in determining permit conditions, to the extent allowed in Section 61.10 of the Colorado State Discharge Permit System Regulations.

xi) For any other cause provided in Section 61.10 of the Colorado Discharge Permit System Regulations.

c. At the request of a permittee, the Division may modify or terminate a permit and issue a new permit if the following conditions are met:

i) The Regional Administrator has been notified of the proposed modification or termination and does not object in writing within thirty days of receipt of notification,

ii) The Division finds that the permittee has shown reasonable grounds consistent with the Federal and State statutes and regulations for such modifications or termination;

iii) Requirements of Section 61.15 of the Colorado Discharge Permit System Regulations have been met, and

iv) Requirements of public notice have been met.

d. Permit modification (except for minor modifications), termination or revocation and reissuance actions shall be subject to the requirements of Sections 61.5(2), 61.5(3), 61.6, 61.7 and 61.15 of the Colorado Discharge Permit System Regulations. The Division shall act on a permit modification request, other than minor modification requests, within 180 days of receipt thereof. Except for minor modifications, the terms of the existing permit govern and are enforceable until the newly issued permit is formally modified or revoked and reissued following public notice.

e. Upon consent by the permittee, the Division may make minor permit modifications without following the requirements of Sections 61.5(2), 61.5(3), 61.7, and 61.15 of the Colorado Discharge Permit System Regulations. Minor modifications to permits are limited to:

i) Correcting typographical errors; or

ii) Increasing the frequency of monitoring or reporting by the permittee; or

iii) Changing an interim date in a schedule of compliance, provided the new date of compliance is not more than 120 days after the date specific in the existing permit and does not interfere with attainment of the final compliance date requirement; or

iv) Allowing for a transfer in ownership or operational control of a facility where the Division determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between the current and new permittees has been submitted to the Division; or

v) Changing the construction schedule for a discharger which is a new source, but no such change shall affect a discharger's obligation to have all pollution control equipment installed and in operation prior to discharge; or

vi) Deleting a point source outfall when the discharge from that outfall is terminated and does not result in discharge of pollutants from other outfalls except in accordance with permit limits.

f. When a permit is modified, only the conditions subject to modification are reopened. If a permit is revoked and reissued, the entire permit is reopened and subject to revision and the permit is reissued for a new term.

g. The filing of a request by the permittee for a permit modification, revocation and reissuance or termination does not stay any permit condition.

h. All permit modifications and reissuances are subject to the antibacksliding provisions set forth in 61.10(e) through (g).

6. Oil and Hazardous Substance Liability

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

7. State Laws

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

8. Permit Violations

Failure to comply with any terms and/or conditions of this permit shall be a violation of this permit. The discharge of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit.

9. Property Rights

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

10. Severability

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

11. Renewal Application

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

12. Termination of Permit

Effective July 1, 2007, legislation (HB 07-1329) removed the option for issuance of short-term certifications. Thus, when activities requiring permit coverage are complete, the permittee can initiate the termination of their permit by sending in a letter to the Division requesting permit termination. DMRs must be submitted to the Division until the termination process is complete.

13. Confidentiality

Any information relating to any secret process, method of manufacture or production, or sales or marketing data which has been declared confidential by the permittee, and which may be acquired, ascertained, or discovered, whether in any sampling investigation, emergency investigation, or otherwise, shall not be publicly disclosed by any member, officer, or employee of the Commission or the Division, but shall be kept confidential. Any person seeking to invoke the protection of this Subsection (12) shall bear the burden of proving its applicability. This section shall never be interpreted as preventing full disclosure of effluent data.

14. Fees

The permittee is required to submit payment of an annual fee as set forth in the 2007 amendments to the Water Quality Control Act. Section 25-8-502 (l) (b), and the Colorado Discharge Permit System Regulations 5 CCR l002-61, Section 61.l5 as amended. Failure to submit the required fee when due and payable is a violation of the permit and will result in enforcement action pursuant to Section 25-8-60l et. seq., C.R.S. l973 as amended.

15. Duration of Permit

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

16. Section 307 Toxics

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

17. Antibacksliding

a. A permit may not be renewed, reissued, or modified to contain effluent limitations adopted pursuant to Section 25-8-503(1)(b) (BPJ) of the Water Quality Control Act, which are less stringent than the comparable effluent limitations or standards in the previous permit, unless any one of the following exceptions is met and the conditions of paragraph (c) of this section are met:

   i) Material and substantial alterations or additions to the permitted facility occurred after permit issuance which justify the application of less stringent effluent limitations; or

   ii) Information is available which was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and which would have justified the application of a less stringent effluent limitation or standard at the time of permit issuance; or

   iii) The Division determines that technical mistakes or mistaken interpretations of law were made in issuing the permit, which justified relaxation of the effluent limitations or standards; or

   iv) A less stringent effluent limitation or standard is necessary because of events over which the permittee has no control and for which there is not reasonable available remedy; or

   v) The permittee has received a permit variance; or

   vi) The permittee has installed the treatment facilities required to meet the effluent limitations in the previous permit and has properly operated and maintained the facilities but has nevertheless been unable to achieve the previous effluent limitations, in which case, the limitations in the renewed, reissued, or modified permit may reflect the level of pollutant control actually achieved (but shall not be less stringent than required by effluent guidelines in effect at the time of permit renewal, reissuance, or modification).

b. A permit may not be renewed, reissued, or modified to contain effluent limitations adopted pursuant to 61.8(2(b) or (c) of the Colorado Discharge Permit System Regulations that are less stringent than the comparable effluent limitations in the previous permit, unless any of the exceptions provided herein is met and the conditions of paragraph c. of this section are met.

   i) In waters where the applicable water quality standard has not yet been attained, effluent limitations based on a total maximum daily load or other waste load allocation may be revised to be less stringent if the cumulative effect of all such revisions assures attainment of such water quality standard, or the designated use which is not being attained is removed in accordance with Section 31.6 of the Basic Standards.

   ii) In waters where the applicable water quality standard has been attained, effluent limitations based on a total maximum daily load, other waste load allocation, or any other permitting standard (including any water quality

standard) may be revised to be less stringent if such revision is subject to and consistent with the antidegradation provisions of Section 31.8 of the Basic Standards. Consistency with Section 31.8 shall be presumed if the waters in question have been designated by the Commission as "use protected"; or

iii) Whether or not the applicable water quality standard has been attained:

(A) Material and substantial alterations or additions to the permitted facility occurred after permit issuance which justified the application of less stringent effluent limitations; or

(B) A less stringent effluent limitation is necessary because of events over which the permittee has no control and for which there is not reasonable available remedy; or

(C) The permittee has received a permit variance; or

(D) The permittee has installed the treatment facilities required to meet the effluent limitations in the previous permit and has properly operated and maintained the facilities but has nevertheless been unable to achieve the previous effluent limitations, in which case, the limitations in the reviewed, reissued, or modified permit may reflect the level of pollutant control actually achieved (but shall not be less stringent than required by effluent guidelines in effect at the time of permit renewal, reissuance, or modification).

c. In no event may a permit with respect to which paragraphs (a) and (b) of this section apply be renewed, reissued, or modified to contain an effluent limitation or standard which is less stringent than required by federal effluent guidelines in effect at the time the permit is renewed, reissued, or modified. In no event may such a permit to discharge into State Waters be renewed, reissued, or modified to contain a less stringent effluent limitation if the implementation of such limitation would result in a violation of an applicable water quality standard.

18. Effect of Permit Issuance

a. The issuance of a permit does not convey any property rights or any exclusive privilege.

b. The issuance of a permit does not authorize any injury to person or property or any invasion of personal rights, nor does it authorize the infringement of federal, state, or local laws or regulations.

c. Except for any toxic effluent standard or prohibition imposed under Section 307 of the Federal act or any standard for sewage sludge use or disposal under Section 405(d) of the Federal act, compliance with a permit during its term constitutes compliance, for purposes of enforcement, with Sections 301, 302, 306, 318, 403, and 405(a) and (b) of the Federal act. However, a permit may be modified, revoked and reissued, or terminated during its term for cause as set forth in Section 61.8(8) of the Colorado Discharge Permit System Regulations.

d. Compliance with a permit condition which implements a particular standard for sewage sludge use or disposal shall be an affirmative defense in any enforcement action brought for a violation of that standard for sewage sludge use or disposal.

RATIONALE

DISCHARGES ASSOCIATED WITH HYDROSTATIC TESTING OF GAS OR PETROLEUM PIPELINES, STORAGE TANKS, AND SIMILAR VESSELS

GENERAL PERMIT IN COLORADO
FIRST ISSUE
CDPS PERMIT NUMBER COG-604000

I. STATUS

This is the first separate general permit for discharges associated with hydrostatic testing of gas or petroleum pipelines, storage tanks, and similar vessels. Previously these discharges were covered, as categories, under the Minimum Industrial Discharge (MINDI) general permit (COG-600000). This change was made to provide more specific limitations for this category and support efficiency in the development of certifications.

II. TYPES OF DISCHARGES COVERED

Scope of A General Permit

The general permit provides coverage for types of discharges that can be characterized as: ***an intermittent or temporary discharge****, containing concentrations of pollutants of concern that pose low risk to impairing receiving water quality, and possess minimal toxicity. Long-term or continuous discharges may require coverage under an individual permit.*

The effluent limits are based on the water-quality standards for the receiving water and, thus, are protective of the designated beneficial uses. All minimal discharge general permits contain narrative limitations and exclusions in common (see Part I.B.1. of the permit). Additions to the numeric limitations and monitoring requirements may occur on a site-specific basis after review of facility information and The Basic Standards and Methodologies for Surface Water (Regulation No. 31) and/or the Basic Standards for Ground Water (Regulation No.41) . The scope of this permit does include discharges to land (with the potential to enter groundwater) that are not subject to the jurisdiction of an implementing state agency., Every certification will include one or more tables that specify the limitations and monitoring requirements that apply to the discharge. Dischargers that do not fit under this characterization and/or possess highly toxic chemicals in elevated concentrations should apply for coverage under an individual permit.

Exceptions to numeric effluent requirements can exist where the application of Best Management Practices (BMPs) is sufficient to protect water quality and the inclusion of additional requirements (i.e., numeric limits, monitoring of effluent) is not necessary. This shall only be applicable when the pipelines and vessels being tested are new, no additives are added to the source water, the flow rate is minimal, the permittee doesn't have a history of non-compliance, and the discharge is not to a 303 (d) listed segment for pollutants of concern (see Regulation No. 93, Section 303(d) List Water-Quality-Limited Segments Requiring TMDLs. The permittee will be required to create a BMP Plan. The decision whether numeric effluent limits will apply or if the discharge can occur under the implementation of a BMP Management Plan will be specified in the certification to discharge. See section I.B.3. and I.B.4 of the General Permit for BMP Management Plan details.

Scope of This General Permit

This general permit (COG-604000) authorizes discharges from: hydrostatic testing of new and existing gas or petroleum pipelines, storage tanks, and similar vessels. For this permit, hydrostatic testing also includes flushing.

The periodic testing activity is conducted for one of two reasons. First, the testing is done to meet an internal requirement of the operator. Second, the testing is done to meet the requirements of the U.S. Department of Transportation (49 CFR 192, Subpart J – Test Requirements) and in accord with Section 192.515 (b) – "the operator shall insure that the test medium is disposed of in a manner that will minimize damage to the environment". Discharges of hydrostatic test water may originate from a variety of facilities, including but not limited to – gathering or transmission pipelines, natural gas liquid extraction plants, natural gas processing plants, gas compressor stations, refineries, petrochemical manufacturing plants. Discharges to groundwater(within site boundaries) will not be covered under this general permit, if the facility is subject to the jurisdiction of an implementing agency (i.e., Colorado Oil and Gas Conservation Commission, Colorado Division of Oil and Public Safety).

This general permit does not apply to treatment facilities hydrotesting or flushing pipelines for treated-water transport that are covered under the General Permit for Discharges Associated with Treated Water Distribution Systems, COG-38000.

Characteristics of Discharge

The general characteristics of the expected discharge are presented below and are used by the permit writer to determine availability of coverage under this general permit.

Source Water Source water used in hydrostatic testing may come from a variety of sources – rivers, streams, lakes, ponds, wells, and drinking water supplies. When the source water is obtained from a drinking water supply, residual chlorine is a pollutant of concern and the Division has included effluent limits (numeric or narrative) to control this pollutant on the basis that there is reasonable potential for the discharge to cause or contribute to an exceedance of a water quality standard . When the source water is obtained from a river, stream, lake, or pond, and the discharge is not to a 303(d) listed segment, the Division has determined there is no reasonable potential for the pollutants in the source water to cause or contribute to an exceedance of a water quality standard on the basis that the discharge is intermittent or temporary, and that concentrations of pollutants will not be increased during the use of the water. An additional reasonable potential analysis will be conducted for discharges to 303(d) listed waters to determine if site-specific effluent limits are required or the discharge may be more appropriately covered under an individual permit. When the source water is groundwater, only discharges of "uncontaminated" groundwater will be authorized. Contaminated groundwater may include that contaminated with pollutants from a landfill, mining activity, industrial pollutant plume, underground storage tank, or other source of human-caused groundwater pollution and exceeding the State groundwater standards in Regulations 5 CCR 1002-41 and 42. The Division will review information provided in the application to determine whether the source water is uncontaminated. The Division has determined that there is no reasonable potential for naturally occurring constituents in uncontaminated groundwater to cause or contribute to exceedance of a water quality standard on the basis that the levels will not exceed State groundwater standards and the discharge is intermittent or temporary. The Division, may on a case-by-case basis where there is evidence that the groundwater has naturally high levels of constituents potentially harmful to aquatic life, conduct an additional reasonable potential analysis and include a site-specific effluent limit in the certification. It is assumed that toxic chemical additives (i.e., corrosion inhibitors, antifreeze, biocides) will not be added to the source water.

Low-Volume Batch Discharge Hydrostatic testing is generally performed by sealing the equipment, piping or vessel to be tested and providing a water fill location. After the equipment, piping or vessel is full, the pressure is increased to the desired level using a high pressure pump system and then held at pressure for several hours (in some cases, hydrostatic testing may be performed at atmospheric pressure). Following the test, the pressure is released and the equipment, piping or vessel is drained by gravity flow, pumping, or air pressure. In some cases, the discharge is collected in a tank for testing and/or treatment prior to discharge to the water body. Hydrostatic test water discharges are, therefore, batch discharges with a short-term duration. Typical volumes per test range from 10,000 to 50,000 gallons. However, if the total discharge is expected to be 1,000,000 gallons or greater, then an individual permit may be required (contact permit writer).

Residue. Residue in the pipeline may contribute to the pollutants of concern in the discharge from the hydrostatic testing. New structures should be relatively free of potential pollutants but may include – construction debris, suspended solids from soil, welding solids, lubricating oils, and pH. Existing structures may contain residues from natural gas, hydrocarbon condensates, and petroleum products (i.e., benzene, toluene, and xylenes). Therefore, the Division has made a qualitative determination of reasonable potential for petroleum sources and iron from the pipelines and has included the applicable water quality standards for benzene, toluene, ethylbenzene, xylenes, and total recoverable and dissolved iron as later described.

Receiving Water. Division decisions on coverage under this general permit considers the following conditions:

This general permit does not provide coverage for discharges to a water body with the designation of "outstanding waters".

Discharge to a stormwater conveyance system is not expected to be a common event, given the expected right-of-way setting of the pipelines. However, this general permit can provide coverage, if the owner of the conveyance system is contacted by the permittee prior to discharge and complies with the owners' ordinances, regulations, and additional requirements. Further, the permittee should provide the owner- prior to actual discharge- specific information on times and locations of expected discharges.

Discharges to impaired water are allowed since the effluent limits are equal to the water-quality standards and the discharge is expected to be short-term or intermittent.

III. PERMIT CONDITIONS

Numeric effluent limitations (Tables 1 and 2 and Part I.B.2. of the permit) are imposed for pollutants that are specific to the types of discharges. Since each type is a batch discharge, the limitations can be expressed in terms of a daily maximum concentration - as allowed under 40 CFR 122.45 (e) and (f). A professional decision is made to use the 30-day average, if the parameter does not have a daily maximum value in Regulation No. 31.

*Table 1. Effluent Limitations and Monitoring Requirements for **New** Pipelines, Tanks, or Other Similar Vessels*

Effluent Parameter	*Discharge Limitation Daily Maximum*	*Monitoring Frequency*[1]	*Sample Type*
Flow, gpm	*Report*[2]	*NA*	*NA*
Total Suspended Solids, mg/l	*30*	*2X/discharge*	*Grab*
Oil and Grease, mg/l[3]	*10*	*2X/discharge*	*Visual/Grab*
pH, s.u.	*6.5 – 9.0*	*2X/discharge*	*In-situ*
Iron, Dissolved, mg/l	*0.3*	*2X/discharge*	*Grab*
Site-specific[4]			
Total Residual Chlorine, mg/l	*0.019*	*2X/discharge*	*In-situ*
Other Pollutants, units	*Limit*	*2X/discharge*	*Grab*
Other Pollutants, units	*Report*	*2X/discharge*	*Grab*
Total Dissolved Solids, mg/l[5]	*Report*	*2X/discharge*	*Grab*
Total Phosphorus, mg/l[6]	*0.05*	*2X/discharge*	*Grab*
Total Phosphorus, mg/l[6]	*Report*	*2X/discharge*	*Grab*

*Table 2. Effluent Limitations and Monitoring Requirements for **Used** Pipelines, Tanks, or Other Similar Vessels*

Effluent Parameter	*Discharge Limitation Daily Maximum*	*Monitoring Frequency*[1]	*Sample Type*
Flow, gpm	*Report*[2]	*NA*	*NA*
Total Suspended Solids, mg/l	*30*	*2X/discharge*	*Grab*
Oil and Grease, mg/l[3]	*10*	*2X/discharge*	*Visual/Grab*
pH, s.u.	*6.5 – 9.0*	*2X/discharge*	*In-situ*
Iron, Total Recoverable, mg/l	*1.0*	*2X/discharge*	*Grab*
Iron, Dissolved , mg/l	*0.3*	*2X/discharge*	*Grab*
Site-specific[4]			
Total Residual Chlorine, mg/l	*0.019*	*2X/discharge*	*In-situ*
Benzene, mg/l	*0.0022*	*2X/discharge*	*Grab*
Toluene, mg/l	*1.0*	*2X/discharge*	*Grab*
Ehtylbenzene, mg/l	*0.530*	*2X/discharge*	*Grab*
Xylenes, mg/l	*1.4*	*2X/discharge*	*Grab*
Other Pollutants, units	*Limit*	*2X/discharge*	*Grab*
Other Pollutants, units	*Report*	*2X/discharge*	*Grab*
Total Dissolved Solids, mg/l[5]	*Report*	*2X/discharge*	*Grab*
Total Phosphorus, mg/l[6]	*0.05*	*2X/discharge*	*Grab*
Total Phosphorus, mg/l[6]	*Report*	*2X/discharge*	*Grab*

[1] Samples will be taken during the first and last hour of discharge. If the discharge is less than an hour, then the samples will be collected during the first and last 15 minutes of discharge. The sample point will be immediately following the discharge from the pipeline or vessel. If the discharge is going through BMPs then sampling shall occur after such BMP treatment and prior to discharge to waters of the state. If the same hydrotesting program is conducted at discrete locations along an extensive pipeline, then the monitoring frequency can be adjusted on a site-specific basis with support for this decision provided in the certification. For example, once the 2X/discharge monitoring is completed on the first two tested pipeline segments and evaluated, then the subsequent monitoring efforts may be reduced to 1X/discharge.

[2] Flow can be measured with a recorder or determined from estimates based on volume of fill water, dimension of the pipeline, or volume of vessel filled with water.

[3] There shall be no visible sheen. If a visible sheen is detected a grab sample is required.

[4] Limits will be established on a site-specific basis for additional parameters based on an assessment of the submitted information and results of discussions with permittee by the permit writer. The rationale used for site-specific limitations will be presented in the certification. If the source water is from a drinking water supply, then total residual chlorine monitoring is required. If the pipeline or vessels is expected to contain residual of petrochemical products, then BTEX monitoring is required. Other pollutants may be added based on a discharge to an impaired water body and/or based on pollutant of concern determination resulting from nature of the source water, source water additives, and /or residues in the pipeline or vessel.

[5] Monitoring is required only for discharges within the Colorado River Basin

[6] Monitoring and/or numeric effluent limits may apply to discharges to watersheds with a control regulation for Phosphorus.

a. *Regulations for Effluent Limitations (Regulation No. 62) – Section 62.4 of the regulations includes effluent limitations that apply to all discharges of wastewater to state waters. These regulations are the basis for Oil and Grease and Total Suspended Solids limitations. These limits are the same as existed in the MINDI permit.*

b. *Technology-Based Limitations – No federal guidelines have been promulgated for this type of facility and none are expected. Since most hydrostatic testing occurs within the petroleum industry, to determine if any residual from prior use is being discharged, effluent limitations and monitoring for benzene, toluene, ethylbenzne, and xylene (see discussion in later paragraphs) are required as these parameters are good indicators of the presence of petroleum constituents.*

c. *Water Quality Standard-based Limitations (Discharges to Surface Waters)*

Water quality-based limits are imposed for pH, total residual chlorine (TRC), total recoverable iron and dissolved iron, and benzene, toluene, ethylbenzene, and xylene. The pH limits are the same as existed in the MINDI permit. The limits for TRC are also the same as existed in the MINDI permit with the exception that antidegradation-based limits are not applied (see below). The total recoverable and dissolved iron limits are more stringent than in the MINDI permit because they are based on the respective standards. The limit for benzene included in this permit is equal to the water-quality standard which is a change from the MINDI permit.

1. *pH – This parameter is limited by Water Quality Standards as the water quality standards of 6.5-9.0 s.u. range are more stringent than those specified under the Regulations for Effluent Limitations(Regulation No. 62)*

2. *Total Residual Chlorine – The TRC limitations are equal to the most stringent standards found in Table II of The Basic Standards and Methodologies for Surface Water (Regulation No. 31). Effluent must be dechlorinated by chemical or physical means prior to discharge to meet limitations. If chlorine is not present in any concentration in the source water and none is added, the permit writer can exempt a permittee from TRC effluent limits and monitoring.*

3. *Total Recoverable and Dissolved Iron – Because iron in various forms can be present, dissolved iron and total recoverable iron limits are imposed. Both iron limitations will apply and are equal to most stringent standards found in Table III of The Basic Standards and Methodologies for Surface Water (Regulation No. 31). In this rationale and permit, the standards in ug/l have been included as limits in terms of mg/l.*

4. *Benzene, Toluene, Ethylbenzene, and Xylene – Since most hydrostatic testing occurs within the petroleum industry, to determine if any residual from prior use is being discharged, the effluent limitations and monitoring for benzene are required as this parameter is a good indicator of the presence of petroleum constituents. The benzene, toluene, ethylbenzene, and xylenes, limitations are the most stringent, petroleum-related standard found in the Basic Standards for Organic Chemicals table in The Basic Standards and Methodologies for Surface Water (Regulation No. 31), and have been converted from ug/l to mg/l.*

5. *Other Pollutants Limitations and/or Monitoring – The permit writer will review the application and determine if any additional pollutants must be limited and/or monitored to protect the classified uses assigned to the receiving water. If required, the permit writer will set these additional limitations equal to the appropriate water-quality standards. A flow limit for each outfall is to be identified on each certification.*

d. *Chemicals – The application must include disclosure of chemicals that may be present on the interior surface of the pipeline, tank, or vessel and/or that may be used as an additive in the hydrostatic test water. Also, the source and water quality of the test water should be disclosed. This information is necessary in the assessment of possible coverage under this general permit.*

e. *Salinity Requirements – All permit actions for discharges to surface waters in the Colorado River Basin must include salinity monitoring. Accordingly, the permit writer will perform an analysis, as set out in the paragraphs that follow, to determine which salinity requirements apply pursuant to the requirements of Section 61.8(2)(l) of the Colorado Discharge Permit System Regulations(Regulation No. 61). Multiple discharges covered from a single facility are subject to the limitation that would apply if there were a single discharge point.*

In conformance with the Colorado Discharge Permit System Regulation (Regulation No. 61), existing permits for discharges to the Colorado River basin incorporate total dissolved solids (TDS) as the monitoring parameter for compliance with the salinity requirements. Electrical conductivity (EC) may be substituted for TDS if a correlation exists between TDS and EC is established for the discharge, based on 5 paired samples, and approval by the permit writer.

To ensure compliance with the regulations, the compliance staff will review the reported data that the facility will not discharge more than 1 ton per day, or 365 tons/year. For facilities exceeding this threshold, a salinity report is required that includes satisfactory demonstration by the permittee that it is not practicable to prevent the discharge of all salt. The Division will decide

on this exception prior to the start of discharge and may require further actions by the permittee to reduce the salt load before approval of the discharge.

Based on the effluent data in the application from a new facility, the permit writer will make an assessment of the expected salinity load in the discharge (from concurrent flows at all outfalls) and if less than 1 ton/day, the calculation will be documented in the issued certification. If the load exceeds this level, then the discharge can not be authorized. However, as stated above, the Division can grant an exception. The sequence of discharges from hydrostatic testing of long pipelines or several vessels is important to this assessment.

Because the discharges covered under this permit are short-term and usually once per location, two analyses for TDS are normally required. The certification will indicate if additional salinity reporting requirements are waived and the basis for this decision.

f. *Control Regulations – Control regulations exist to place additional limits on discharges to surface waters in five watersheds – Dillon Reservoir, Cherry Creek Reservoir, Chatfield Reservoir, Cheraw Lake, and Bear Creek Reservoir. The total available wasteloads (i.e., phosphorus) have been allocated in these regulations to various point and non-point sources that discharge on these watersheds.*

Certifications for discharges to these watersheds may include limitations and/or monitoring requirements for the parameters specified in the regulation. Since the discharges are expected to be short-term and contain levels of the control parameters equal to or less than the concentrations in nearby ambient waters, these authorized loads are viewed as de minimus and not subject to assignment under the above allocation process (i.e., see Section 72.2.12 of Regulation No. 72). The permit writer will briefly state in the certification the reason, with supporting data, the basis for the de minmus decision, when the basin regulation does not state that such industrial contributions are considered minimal.

g. *Antidegradation – As set out in The Basic Standards and Methodologies of Surface Water, Section 31.8(3)(c)(ii)(C), an antidegradation analysis is required for all waters not designated as Use Protected, except in cases where the regulated activity will result in only temporary or short term changes in water quality. Discharges permitted under this general permit are expected to be short-term or intermittent. With consideration that these discharges are of good quality and in accordance with Section 31.8(3)(c)(ii)(C) of The Basic Standards and Methodologies For Surface Waters (Regulation No. 31), which exempts regulated activities that result in only temporary or short-term changes in water quality, an antidegradation analysis is not necessary.*

h. *Whole Effluent Toxicity (WET) – WET testing is not a part of this permit. Discharges covered under this minimal discharge general permit are judged to have minimal impact on the receiving waters; thus, these discharges are not expected to exhibit whole effluent toxicity. If an application shows that or if the permit writer determines that the proposed discharge may or will exhibit whole effluent toxicity, an individual permit with effluent limitations and other permit conditions, including a WET limit and monitoring, will be considered more suitable.*

i. *Mixing Zones – Under this general permit mixing zone regulations do not apply , since water-quality standards are applied as the effluent limits(i.e., no dilution is allowed.).*

j. *Discharges to 303(d) listed waters – Since the effluent limits are equal to the water-quality standards and the discharge is expected to be short-term or intermittent, the assumption is that the discharge will not further impair the quality of the receiving water for the 303(d)-listed parameters.*

k. *Discharges to Ground Water – Discharges permitted under this general permit may travel to groundwater via land application, infiltration ponds or other approved means. Because the standards for groundwater are based on water supply and agricultural uses, which also apply to surface waters of the state, the Division has determined that discharges that are protective of surface water standards are also protective of groundwater standards, unless a more stringent site-specific groundwater standard has been adopted. The Division will include a site-specific limit in the certification or require coverage under an individual permit as needed to implement more stringent site-specific groundwater standards. Certain discharges, due to proximity to alluvial water associated with nearby surface flow, are considered to be hydrologically connected this surface flow and will be considered a discharge to surface water.*

Additionally, the permittee will need to demonstrate in the application by what method effluent is discharged to ground water, and how and where effluent can be monitored prior to discharge to ground water. Since this is a general permit, it is not practical to require that a permittee install ground water monitoring wells for compliance determination, all applicable effluent limitations will be met prior to application to the land.

All mentioned above, there may be situations where the discharge can not be authorized, under the Division's jurisdiction, and a certification can not be issued. In these instances, an applicant will need to contact another state agency.

l. *Project Coverage – Entities such as oil and gas pipeline companies frequently hydrostatically test several segments of pipeline that extends across a large area. The permit writer has discretion to issue one certification that covers all discharges from a single project when this is practical and avoids unnecessary repetitive certifications. When project coverage is issued, the permit writer will determine that all effluent limitations and monitoring requirements are appropriate for all covered discharges to qualify for project coverage.*

IV. APPLICATION

Dischargers can apply for coverage under this general permit once the permit is issued.

Holders of certifications under the administratively extended MINDI (COG-600000) for hydrostatic testing will automatically be transferred to this new general permit. Their coverage under the MINDI will be transferred without a lapse of coverage (i.e. discharging without a permit) and without loss of fee payments. Incidentally, the annual fee for each of these general permits is $630, effective July 1, 2007. The permittee will have 90 days, from the date of transfer, to comply with any new terms and conditions of this general permit.

The Division will be terminating the MINDI permit (COG-600000) in a few months.

Nicole Smith
June 22, 2007

V. PUBLIC NOTICE COMMENTS

During the extended public notice period (June 22 to July 27, 2007), written comments were received from
Public Service Company of Colorado
Wright Water Engineers Inc,
Colorado Stormwater Council
Keep It Clean Partnership
Chatfield Watershed Authority, and
Roxborough Park Metropolitan District.
The Division will provide copies of any written comments upon written request. Topical summaries of the comments by entity and the response of the Division are provided below.

During the public notice period, the Division received numerous verbal requests to clarify that this general permit applies to industrial pipelines and not to domestic pipelines for treated-water transport, since the hydrotesting of the latter pipelines is already covered under another general permit (i.e., Discharges Associated with Treated Water Distribution Systems, COG-380000). This clarification is made with added text in the rationale and permit. The detailed information is added under "II. Types of Discharges Covered" in the rationale.

Public Service Company of Colorado, PSCo (dba Xcel Energy)

Comment 1: *The proposed monitoring frequency is based on the Division's Baseline Monitoring Frequency, Sample Type, and Reduced Monitoring Frequency Policy for Industrial and Domestic Wastewater Treatment Facilities. This policy is not applicable to the types of discharges covered under this permit which are expected to be short-term, not continuous, and at numerous locations along a pipeline. PSCo recommends that the monitoring frequency be adjusted to reflect the types of discharges this permit will cover, or provide language in the permit that the monitoring frequency will be established on a case-by-case basis.*

Response: The rationale has been revised because the monitoring frequency is not based on the policy referenced and instead is specific to this general permit. The low-volume batch discharge feature of hydrotesting is now specifically addressed under Section II of the rationale. On this basis, the limitations are set to daily maximum values with monitoring done twice per discharge event (see footnotes to Tables 1 and 2). This monitoring frequency should be reasonable for the discharge events that are expected to occur with hydrotesting. If the same hydrotesting program is conducted at discrete locations along an extensive pipeline, then the monitoring frequency can be adjusted on a site-specific basis with support for this decision provided in the certification. For example, once the 2X/discharge monitoring is completed on the first tested pipeline segment and evaluated, then the subsequent monitoring efforts may be reduced to 1X/discharge.

Comment 2: *The rationale states that a flow limit for each outfall will be identified; however, the permit states that a flow limit might apply. PSCo requests that the Division's intention be clarified, since these statements are inconsistent. Further, the requirement for a flow recorder is impossible to meet in most discharge situations and the flexibility stated in Part I.B.2.e should be allowed.*

Response: Consistent with the requirements of 5 CCR 1002-61.8(2)(i), the permittee shall report the volume of water discharged. Footnote to the tables now indicates that the flow estimate can be derived using one of several methods. The Division's intent is to have a reasonable estimate of the total flow discharged as a result of the hydrotesting and the assumption is made that the discharged volume will generally be in the range of 20,000 to 50,000 gallons per test and not exceed 1,000,000 gallons. The inconsistency is corrected.

Comment 3: *PSCO believes that the preparation of a Best Management Practices (BMP) plan is unnecessary and impractical given the type and duration of the discharges. The key elements of a BMP are already addressed in other sections of the permit or in sections of the application for a permit. For example, minimization of erosion is addressed as a narrative limitation. PSCo suggests that answers to questions in the application include a short description of how a particular concern will be addressed, as a practical alternative to requiring the preparation of an entirely separate document.*

Response: The permit has been clarified to indicate that a BMP Plan is only required when numeric effluent limits do not apply. In these cases, the Division believes it will be important to have site-specific measures that will be used to ensure the protection of water quality standards.

Comment 4: *The permit requires quarterly reporting of routine monitoring data collected at the outfall. Since the discharges are expected to be short-term and not continuous, this quarterly requirement is impractical. PSCo recommends that monitoring data be reported to the Division by the 28th of the month following the discharge.*

Response: Revisions are made to require monitoring 2X/discharge and monthly reporting by the 28th day of the month following the discharge.

Comment 5: *The option for a short-term certification is not available under the proposed permit. PSCo advocates the availability of this option, since it is compatible with the short-term nature of the discharges and would not require the additional paperwork of submitting quarterly "no discharge" reports for most of the 5 year period.*

Response: Effective July 1, 2007, legislation (HB 07-1329) removed the option for a short-term certification under annual fees – "(T) Category 26 Minimal discharge of industrial or commercial wastewaters – general permit". Thus, once the testing is complete, the certification can be terminated to avoid the need to submit monthly DMRs for the remainder of the general permit period. Termination of permit coverage needs to be initiated by the permittee.

Comment 6: *The Division has 30-days to review the application before deciding on issuance or denial of the certification. Given the nature of the discharges i.e., short-duration, low toxicity, not chemically complex), PSCo asks that this review time be shortened to 10 or 15 days to expedite the review process (such as is done with applications for the construction stormwater permit).*

Response: The Division recognizes the importance of timely action on applications for certifications under general permits and makes an effort to reach a decision within two weeks, especially if the permittee has initiated contact with the permit writer before submitting the application and discussed the nature of the project and basis for urgent action. The Division will continue to informally expedite the review process to meet the needs of permittees when possible; however, the option for the 30-day review period is needed since the Division encounters unexpected periods of excessive workload and can not maintain the shorter response time.

Comment 7: *Part I.A.3 of the permit indicates that projects within a geographic area may obtain blanket coverage, but there is no supporting explanation as to why project must be in the same geographic area. PSCo would like to obtain statewide coverage for discharges from testing of existing pipelines and not be restricted to coverage by geographic area.*

Response: Since a geographic area can be defined as an area within the boundaries of the state, statewide coverage is available for certifications under this general permit. If this option is exercised in the certification, the decision and supporting reasoning is to be provided in the rationale (see Project Coverage). The Division has issued numerous certifications with statewide coverage.

Comment 8: *Since the effluent limits are to be equal to the water-quality standards, the assumption can be made that the discharge will not impair the quality of the receiving water for the 303(d) listed parameters. On this basis, PSCo believes that footnote 3 to the table addressing limitations and monitoring requirements for testing of used pipelines should be deleted.*

Response: The footnote has been revised and indicates that additional parameters will be added, if the discharge contain as the same pollutant of concern that is the basis for listing the receiving water as impaired. On this basis other limits, equal to the water-quality standard, will be added if the permit writer decides this is needed to protect water quality.

Comment 9: *The rationale states that one salinity sample is required; however, the permit states that monthly samples will be taken for six months. PSCo requests clarification on the salinity sampling requirement. Further, PSCo supports the requirement for one sample is collected per discharge.*

Response: The 2x/discharge monitoring requirement applies to salinity and will be included for those discharges to waters of the Colorado River watershed. Since this measurement can be obtained with the use of an inexpensive hand-held electronic instrument (i.e., conductivity meter), this requirement should be attainable. However, the correlation between TDS and EC must be shown by paired analysis of 5 samples before the EC measure can be used instead of TDS.

Comment 10: *PSCo recommends that only the definitions utilized in the rationale and permit be included in the definition section.*

Response: The Division uses a standard boilerplate for permit documents which includes a set of definitions for common terms used in permits. The effort to adjust this list for each permit action is not warranted, given the limited resources of the Division and the lack of key negative consequences if additional definitions are provided.

Wright Water Engineers, Inc. (WWE)

Comment 11: *WWE believes that weekly rather than 3-days-per-week sampling is adequate for short-term discharges authorized under this general permit.*

Response: The Division reconsidered the sampling frequency and made a revision (refer to response to Comment 1).

Comment 12: *WWE believes that the requirement for a flow measurement device is not necessary and suitable simple options are available (i.e., bucket and stopwatch, volume of water is known, estimates based on pipeline dimensions).*

Response: The Division agrees and acknowledges that flow measurement options are available (refer to response to Comment 2).

Comment 13: *WWE believes that the requirement for Best Management Practices (BMP) plan for each discharge is not necessary, especially for those entities that may conduct 10 or more pipeline tests in a given year. The suggestion is that a general, institutional BMP plan (i.e., identify variety of acceptable BMPs for treatment of testing discharges and guidance for selecting appropriate BMP based on site-specific conditions)be prepared by the permittee.*

Response: The permittee may prepare a BMP plan for submittal as part of the application for a certification. As discussed in the response to Comment 3, the Division will review this plan and how it can be used to support the development of a certification.

Comment 14: *WWE provided a table of detailed edits and revisions to the rationale (8 entries) and permit (21 entries).*

Response: Many of the suggestions addressed material in the public notice draft that has been changed. The Division made an effort to evaluate the intent of the suggestions as they relate to the revised text and made additional changes. For example, the suggestion to include flushing as a recognized activity that could be authorized under the hydrotesting general permit was implemented in the revised general permit.

Colorado Stormwater Council (CSC)

Comment 15: *The CSC is concerned about the impacts to Colorado Municipal Separate Storm Sewer Systems (MS4s) that may result from the discharges that may be authorized under the array of proposed minimal industrial discharge general permits the Division sent to public notice on June 22, 2007. A the Division's July 10 meeting, CSC and other attendees expressed concerns about the inadequacy of the 30-day comment period to review and respond to these proposed general permits and requested extensions. The Division extended the comment period to August 27 for all proposed general permits, except for the hydrostatic testing general permit which was extended to July 27. CWC felt that all public comment periods should have been extended to August 27 and does not understand why one was treated differently.*

Response: The extension period for the hydrostatic testing general permit was not extended for two reasons.

First, the permit applied to well-defined activity within a relatively narrow industrial sector and discharges would be predominately in rural areas. Unfortunately, the draft sent to public notice was insufficiently clear about the exclusion of hydrotesting of treated water pipelines. With the further clarification of the scope of the permit, the expected level of general public concern would be substantially diminished. One of the key industries (PSCo) impacted by this general permit did provide substantial comments on the draft (see Comments 1 through 10).

Second, the Division needs to issue a certain number of permits, including certifications, by 1 October 2007 to meet the issuance goals set by EPA Region 8. The timely issuance of this general permit will contribute to the attainment of that goal. Thus, the Division reached the conclusion that, with the assumption on diminished concern by the general public, the approach to issue the general permit could proceed as planned.

Comment 16: *The proposed permit requires the permittee to obtain approval from each MS4 for a state-authorized discharge. This process raises several issues to the MS4s:*

- *Under the Phase I and II MS4 permits, discharges authorized under a separate Division permit and in compliance with the provisions of those permits are allowable but appear to conflict with other MS4 permit language (Part I.A.2 and Part II.A.2) and possibly with local ordinances.*
- *Does a MS4 incur a level of liability for a Division permitted discharge if the MS4 conveyance is utilized to transport the discharge to state waters? MS4 permits require action to address illicit discharges to stormwater sewer system.*
- *Some MS4s prefer only notification of Division permitted discharges but do not want to be required to provide approval of this discharge. Others prefer approval of such discharges in advance of Division permit issuance. There has been insufficient time for MS4s to develop internal strategies to address how this process would work.*
- *There is a need for a system whereby an MS4 can determine if a Division permitted discharger may or may not be potential source of a reported illicit discharge, such as a website where permitted dischargers enter addresses of where they are operating each week, and MS4s have access to that information to either accept or deny discharge to their storm drain system .*

On the basis of the above concerns, CSC requests the following changes to the permit:

- *Remove the application requirement that a permittee obtain written approval from the owner of the storm drain system for discharge,*
- *Add provision to exempt MS4s of liability for dischargers permitted under Division permit – including bypass, spill, or upset conditions.*
- *Develop, with adequate MS4 input, a website where an MS4 can access information on proposed discharge locations and expected dates of discharge.*
- *Provision to notify the MS4 in the event of a spill or noncompliance situation.*

Response: Based on input from MS4s, the permit no longer requires prior written approval from the owner of the system to be submitted with the application. The owner of the storm drain system has the right to decide on what inflows are accepted by the system -such as the owner of a domestic waster treatment facility has the right to decide on flows entering their collection system. For this reason, the Division can not unilaterally authorize a discharge to either type of permitted system and, thus, will require the permittee to contact the owner of the system to verify if there are additional ordinances, regulations, or requirements set by the owner of the system.

In response to the liability questions raised at the July 10 meeting, the Division provided an initial response in a July 13 letter sent to the MS4 contacts. Briefly, the response is - "Therefore, unless specifically directed by the Division, the MS4 permits do not require permittees to implement procedures to address pollutant sources resulting from activities and discharges not required by the program elements in Part I.B of the permits."

The Division is considering improved ways to provide detailed information on certifications issued under specific general permits, including online inventories.

The Division has a standing spill notification program which includes notification of the collection system and/or downstream water users when such events occur. This program will be reviewed to identify the need for specific text on notification of MS4s.

Comment 17: *If the Division has made the decision that discharges covered under this general permit may go to the stormwater system, then these permits should be best Management Practice (BMP) based, with the BMPs chosen to correspond with the constituents of concern. CSC requests that the general permit be changed from limited-based to a BMP-based.*

Response: The Division will maintain the options to use BMP-based and limit-based conditions in general permits, based on which combination is judged to be most effective in providing water-quality protection.

Comment 18: *Upset and by-pass language in Part II.6 and 7 is typical of wastewater process discharges and not to types of discharges expected under this general permit. CSC request that the bypass and upset clauses be removed from the permit.*

Response: Part II of the permit is standard boilerplate for use in all permits as required in the regulation and is not changed to accommodate the many specific conditions that may apply to a particular permit. If a component of Part II is not reasonably applicable to the nature of the authorized discharge, then there is a basis for non-implementation.

Comment 19: *The permit is unclear about coverage of discharges of potable water, which would be covered under a Treated Water Distribution general permit. Additional information is needed on clarification of the activities and/or volume thresholds that are intended to require coverage by this general permit.*

Response: This clarification is now provided (refer Section II in the rationale).

Keep It Clean Partnership (KICP)

Comment 20: *KICP was disappointed that the public comment period for this general permit was not extended to August 27, as was done for the other associated general permits sent to public notice on June 22, 2007. The KICP requests that the permit clarify that coverage does not include flushing, cleaning, maintenance, or operation of drinking water distribution system and related appurtenances, since such discharges are covered under the general permit for treated water and associated treated water management plan requirement of that permit.*

Response: The reason for not extending the public notice period is provided in the response to Comment 15. The clarification that the permit does not apply to treated water pipelines is added to the permit (refer to response to Comment 15 and second paragraph under Section V of the rationale).

Comment 21: *The KICP letter included many comments on the array of minimal industrial discharge general permits sent to public notice on June 22, 2007. These are summarized below.*

- *BMP-based permits are desirable for many of the discharges as opposed to limit-based permits*
- *Coordination between state and locals is essential*
- *The Division is to be applauded for reaching out to industry(such as heat transfer equipment cleaning industry) that performs discharge activities with a consistent, simple statewide compliance message and identifying appropriate BMPs for each activity, which is essential for compliance and enforcement.*

Response: The Division will continue with outreach efforts to stakeholders on permitting processes.

Chatfield Watershed Authority (CWA)

Comment 22: *The CWA does not support the position that all discharges are automatically de minimus, in terms of phosphorous contribution and requests that each certification state the reason, with supporting data, for the de minimus decision.*

Response: The Division reconsiders this assumption during the review of application for a certification. The Division agrees to provide in the certification information that was used to support use of this assumption

Comment 23: *While the prior minimal industrial discharge general permit had a phosphorus "report only" requirement, the proposed general permit does not list phosphorus limits or monitoring requirements. Please clarify.*

Response: The Division may require a phosphorous limit and/or monitoring for discharges to watershed subject to such control regulations. These requirements are addressed in Tables 1 and 2.

Comment 24: *CWA raised issues related to wasteload allocation for discharges authorized under the proposed general permit and how are these considered.*

Response: The Division issued certifications under the assumption that the specific discharge would contribute a de minimus amount of phosphorous and thus would not require consideration as to which category of wasteload allocation for total phosphorous would apply(i.e., reserve pool). The Division has not reviewed the available data from dischargers authorized under general permits to control watershed, assessed the total annual contribution of total phosphorus, evaluated the need for placing further conditions in general permits to annually limit the phosphorous load from all such discharges, and discussed with appropriate control authorities any needed set-aside of the reserve pool for this load.

Comment 25: *CWA recommends that the Division convene a small workgroup of Division staff and select members from the four affected watersheds to clarify the intent and language used in the proposed general permits, with respect to control regulations. Further, the CWA would like to have more involvement in the general permitting process in order to be able to provide a consistent message to industrial dischargers to the watershed and plan for associated workload increase to deal with such permitting issues.*

Response: The Division will continue discussions with stakeholders in the affected watersheds to determine if changes to the permit process or control regulations are warranted.

Roxborough Park Metropolitan District (RPMD) (letter by legal counsel- JacksonKelly, Attorneys at Law, PLLC)

Comment 26: *RPMD believes that there is inadequate water-quality data and scientific information available to evaluate the array of minimal industrial discharge general permits sent to public notice on June 22, 2007. Therefore, the Division should either –*

provide the relevant data and calculations and extent of each pollutant likely discharged form each facility operating under each general permit- then extend the comment deadline for 45 days,
or
terminate and void the proposed actions to adopt the general permits.

Response: General permits are created to provide permit coverage to facilities with similar operations and similar effluent chemistry. These permits are set up so that they can be obtained quickly, as opposed to an individual permit which may take a substantially longer time frame to obtain. Under these circumstances, limitations are set at the water quality standards, therefore, the facility is unable to take advantage of any dilution that may be available in meeting the permit limits.

In determination for coverage under the general permit, the source water and other potential additional parameters of concern are evaluated and additional requirements may be added to the certification. All applicable water quality standards may be covered under these certifications. Also, the permittee may be asked for additional information on the source water or effluent if possible (such as a water quality analysis), to assist in determining if there are other parameters of concern. Additionally, if there are unique circumstances surrounding a specific discharge, or if it is determined that a facility cannot meet the limitations set under the general permit, then coverage under the general would be denied and that facility would then need to apply for an individual permit.

Comment 27: *RPMD questions the assumption that discharges are expected to be de minimus contributors of phosphorus and request information used to reach this conclusion. Further, the suggestion in the permit that the permit writer will determine the actual quantity of discharged phosphorus and then reach a decision for certification precludes public knowledge of and input to this decision-making to set effluent limits.*

Response: The Division will provide additional information in the certifications on how de minimus decisions were reached (refer to responses to Comments 23 and 24).

While the permit writer does have some flexibility to use professional judgment in reaching a de minimus decision about the possible phosphorous load in the discharge, these decisions are reviewed by the Unit Manager before the certification is issued. As noted above, certifications will now include information on such decisions and the Division will meet with representatives of the control authorities to discuss further improvement to how control regulations are implemented in general permits and, subsequently, in certifications. As regulations and policies now exist, the issuance of a certification, and any amendments, are not subject to public notice or a standing requirement to solicit public input. The Division welcomes comments on issued certifications and Division-initiated amendments will occur if the Division concurs with the request.

Nicole Smith
September 11, 2007

STATE OF COLORADO

John W. Hickenlooper, Governor
Christopher E. Urbina, MD, MPH
Executive Director and Chief Medical Officer

Dedicated to protecting and improving the health and environment of the people of Colorado

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Colorado Department
of Public Health
and Environment

September 17, 2012

Matt Foster, VP
Garney Construction
1333 NW Vivion Rd
Kansas City, MO 64118

RE: Termination of Permit to Discharge
Southern Delivery System South 2 Raw Water Pipeline
Permit No: COG604138

Dear Mr. Foster:

As a follow-up to your request for termination of the permit referenced above, this letter is an official notice of termination of Colorado Discharge Permit Number COG604138. The Division has reviewed the information provided and has determined that eligibility requirements for permit termination have been met.

This permit termination has been issued on September 17, 2012. The effective date of the termination will be October 1, 2012. Should you need discharge authorization in the future, you will have to obtain new permit coverage. You must complete all monitoring and reporting required in the permit. This includes completing and submitting discharge monitoring reports, if required by the permit, for full or partial monitoring/reporting periods prior to the termination effective date.

From this process a refund or additional fee may result and if so, you should receive notification within the next 30 days. Should you have questions on the fee, please call (303) 692-3529, or should there be other questions on this action, please contact me at (303) 692-3531.

Sincerely,

Loretta Houk

Loretta Houk
Water Quality Protection Section
WATER QUALITY CONTROL DIVISION

xc: Pueblo County Local Health Department
D.E., Technical Services Unit, WQCD
Leslie Simpson, Compliance Monitoring & Data Management, WQCD
Permit File
Fee File

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