

CDPS GENERAL PERMIT
STORMWATER DISCHARGES ASSOCIATED WITH
LIGHT INDUSTRIAL ACTIVITY
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"), this permit authorizes the discharge of stormwater associated with light industrial activity certified under this permit, from those locations specified throughout the State of Colorado to specified waters of the State. Such discharges shall be in accordance with the conditions of this permit.

This permit specifically authorizes the facility listed on page 1 of this permit to discharge stormwater associated with light industrial activity, as of this date, in accordance with the permit requirements and conditions set forth in Parts I and II hereof. All discharges authorized herein shall be consistent with the terms and conditions of this permit.

This permit and the authorization to discharge shall expire at midnight, **June 30, 2011**.

Issued and Signed this 31st day of May, 2006.

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT



Janet S. Kieler
Permits Section Manager
Water Quality Control Division

ISSUED AND SIGNED MAY 31, 2006

EFFECTIVE JULY 1, 2006

PART I

A. COVERAGE UNDER THIS PERMIT

1. **Authority to Discharge**

Under this general permit, facilities engaged in light industrial activity as listed in Part I.A.5 are granted authorization to discharge stormwater associated with industrial activity into waters of the state of Colorado.

2. **Application, Due Dates**

- a. **Application Due Dates:** At least **thirty days** prior to the anticipated date of discharge, the owner (or operator if the owner does not operate the facility) of the facility shall submit an application as provided by the Division.

One original of the completed permit application form shall be submitted to:

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

- b. **Application Form:** The application form requires, at a minimum, the following information:

- 1) Name and address of principal in charge of operation of the facility;
- 2) Site address and location;
- 3) Facility contact person, phone number and email address (if available);
- 4) Standard Industrial Classification (SIC) code(s);
- 5) List of other environmental permits currently held by the facility;
- 6) Facility description/industrial activities which take place at the site;
- 7) Receiving waters; and
- 8) Certification as to the completion of a Stormwater Management Plan (SWMP).

3. **Permit Certification Procedures**

If the general permit is applicable, then a certification will be developed and the applicant will be certified under this general permit.

- a. **Request for Additional Information:** The Division shall have up to **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 shall have an additional **fifteen days** to issue or deny authorization for the particular discharge. (Notification of denial shall be by letter, in cases where coverage under an alternate general permit or an individual permit is required, instead of coverage under this general permit.)
- b. **Automatic Coverage:** If the applicant does not receive a request for additional information or a notification of denial from the Division dated within thirty days of the receipt of the application by the Division, authorization to discharge in accordance with the conditions of this permit shall be deemed granted.
- c. **Individual Permit Required:** If, after evaluation of the application (or additional information, such as the SWMP), it is found that this general permit is not applicable to the operation, then the application will be processed as one for an individual permit. The applicant will be notified of the Division's decision to deny certification under this general permit. For an individual permit, additional information may be requested, and 180 days will be required to process the application and issue the permit. Temporary coverage under this general permit may be allowed until the individual permit goes into effect.

A. COVERAGE UNDER THIS PERMIT (cont.)

- d. **General vs. Individual Permit Coverage:** Any owner or operator authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual CDPS permit. The owner or operator shall submit an individual application, with reasons supporting the request, to the Division at least 180 days prior to any discharge.

4. **Permit Expiration Date/Reapplication**

Authorization to discharge under this general permit shall expire on June 30, 2011. The Division must evaluate and reissue this general permit once every five years, and must also recertify the applicant's authority to discharge under the general permit at such time. Therefore, a permittee desiring continued coverage under the general permit must reapply by March 31, 2011. The Division will initiate the renewal process; however, it is ultimately the permittee's responsibility to ensure that the renewal is submitted. The Division will determine if the applicant may continue to operate under the terms of the general permit. An individual permit may be required for any facility not reauthorized to discharge under the reissued general permit. For facilities wishing to terminate authorization under the permit, provisions of Part II.B.4.d will be applicable.

5. **Industries Covered Under this Permit**

a. **Types of Industries Covered, by Standard Industrial Classification (SIC) Codes:**

Note: See the Rationale, Section III.A, for a more detailed explanation of SIC Codes.

Industries Covered by this General Permit

13, 20, 21, 22, 23, 24 (except 2491), 25, 26, 27, 2951 (Asphalt batch Plants), 31, 32 (except 3241, 3274), 34, 35, 36, 37, 38, 39, 4221, 4222, 4225, 4952 (Wastewater treatment plants with a design flow of 1.0 MGD or more, or required to have an approved pretreatment program under 40 CFR 403), and Transportation Facilities which have vehicle maintenance, fueling, equipment cleaning or airport deicing including 40 41, 42 (except 4221, 4222, 4225), 43, 44, 45 (air transportation facilities that use less than 1000 gallons of deicer(s) annually, and/or that have annual fuel sales of less than one million gallons/year), and 5171.

For any facilities which do not require coverage under the stormwater regulations, but still wish to be covered under this general permit, the Division reserves the right to certify them under this permit.

The Division also reserves the right to include under this general permit any specific facility not otherwise covered. This determination would be based on the reasonable potential of a specific industrial discharger to contribute to a violation of a water quality standard, or to be a significant contributor of pollutants to state waters. See State Discharge Permit System Regulations, Section 61.3(2)(e)(vii).

b. **Definitions:**

- 1) **Stormwater discharge associated with industrial activity** means any point source which is used for collecting and conveying stormwater and which is located at an industrial plant or directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term includes, but is not limited to, stormwater discharges from drainage areas in which are located: industrial plant yards; immediate access roads and rail lines; drainage ponds; material handling sites; refuse sites; sites used for the application or disposal of process waters; sites used for storage and maintenance of material handling equipment; sites that are or have been used for residual treatment, storage or disposal; dust or particulate generating processes; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater.
- 2) **Material handling activities** include: storage, loading and unloading of any raw material, intermediate product, finished product, by-product, or waste product where such products could come in contact with precipitation.
- 3) **Significant materials** include but are not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical the facility is required to report

A. COVERAGE UNDER THIS PERMIT (cont.)

pursuant to section 313 of SARA III; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharge.

6. **Individual Permit Criteria**

Various criteria can be used in evaluating whether or not an individual (or alternate general) permit is required instead of this general permit. This information may come from the application, SWMP, or additional information as requested by the Division, and includes, but is not limited to, the following:

- a. the quality of the receiving waters (e.g., the presence of downstream drinking water intakes or a high quality fishery, or for preservation of high quality water);
- b. the type of industry, including pollution potential;
- c. the volume and type of materials handled;
- d. the size of the facility;
- e. evidence of noncompliance under a previous permit for the operation;
- f. the use of chemicals within the stormwater system; or
- g. discharges of pollutants of concern to waters for which there is a Total Maximum Daily Load (TMDL) established.

In addition, an individual permit may be required when the Division has shown or has reason to suspect that the stormwater discharge may contribute to a violation of a water quality standard.

7. **Mobile Asphalt and Concrete Batch Plants**

The Division has determined that, if adequately addressed by the facility's SWMP, the permit certification may be tied to the plant, as opposed to the site. The permittee's SWMP shall contain additional relevant information, such as the proposed standard Best Management Practices (BMPs) which would be used at each site, etc. The permittee must still meet the application, permit and SWMP requirements as described herein. **The permittee is required to summarize the current location and past locations of the plant for the previous year in the Annual Report.** See Part I.D.1 of the permit. As an alternative, a batch plant that is dedicated to a specific construction site may instead be covered under a CDPS Construction Stormwater general permit certification issued to that site, provided that the site's SWMP includes adequate provisions for the batch plant.

B. STORMWATER MANAGEMENT PLAN - CONTENTS AND REQUIREMENTS

A Stormwater Management Plan (SWMP) shall be developed for each facility covered by this permit. SWMPs shall include BMPs that are selected, installed, implemented and maintained in accordance with good engineering practices. (The plan need not be completed by a registered engineer.)

The plan shall identify potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges associated with industrial activity from the facility. In addition, the plan shall describe and ensure the implementation of practices which are to be used to reduce the pollutants in stormwater discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit.

As a condition of this permit, facilities must implement the provisions of the SWMP required under this part. The Division reserves the right to review the plan, and to require additional measures to prevent and control pollution as needed.

Any SWMP prepared before June 30, 2006 that does not meet all of the requirements listed herein (especially those items required for the site map) must be amended to conform with the SWMP requirements in this permit. Such amendments must be completed within 60 days of the certification effective date (typically July 1, 2006).

The SWMP shall include the following items, at a minimum:

1. **Industrial Activity Description**

The plan shall provide a narrative description of the industrial activity taking place at the site.

B. STORMWATER MANAGEMENT PLAN - CONTENTS AND REQUIREMENTS (cont.)

2. **Site Map**

The plan shall include a site map indicating the following:

- a. the areas where industrial activities occur;
- b. the locations of stormwater outfalls and an approximate outline of the areas draining to each outfall;
- c. the locations of existing and new structural control measures to reduce pollutants in stormwater runoff;
- d. the locations of all surface water bodies, including dry water courses, located in or next to the facility;
- e. the locations of all potential pollutant sources identified under Part I.B.3.b; and
- f. the location of each sampling point identified under Part I.B.3.c

3. **Stormwater Management Controls**

Each facility covered by this permit shall develop a description of stormwater management controls appropriate for the facility, and implement such controls. The appropriateness and priorities of controls in a plan shall reflect identified potential sources of pollutants at the facility. The description of stormwater management controls shall address the following minimum components, including a schedule for implementing such controls. For newly-certified facilities, if existing controls are inadequate to achieve the general objective of controlling pollutants in stormwater discharges associated with industrial activity, any schedule to implement additional controls to meet this objective shall not exceed 60 days from when the facility begins operations, or from when the general permit certification is issued, whichever is later, unless permission for a later deadline is obtained from the Division. New controls that will replace or modify existing controls that are already adequately addressing a pollutant source are not required to meet this schedule (e.g., replacing a control with a less resource-intensive practice).

- a. **SWMP Administrator:** The SWMP shall identify a specific individual(s) within the plant organization who is responsible for developing the SWMP and assisting the plant manager in its implementation, maintenance, and revision. The activities and responsibilities of the administrator shall address all aspects of the facility's SWMP.
- b. **Identification of Potential Pollutant Sources and Best Management Practices:** The SWMP shall identify potential sources of pollutants at the site, and assess the potential of these sources to contribute pollutants to stormwater discharges associated with industrial activity. The SWMP must also describe appropriate Best Management Practices (BMPs) to reduce the potential of these sources to contribute pollutants to stormwater discharges.

At a minimum, each of the following shall be evaluated for the reasonable potential for contributing pollutants to runoff:

- Loading and unloading operations
- Outdoor storage activities
- Outdoor manufacturing or processing activities
- Significant dust or particulate generating processes
- On-site waste disposal practices
- The presence of salt piles
- Areas where significant spills and significant leaks of toxic or hazardous substances have occurred at the facility in the three years prior to the date the SWMP is developed or amended.

Factors to consider include the toxicity of chemicals; quantity of chemicals used, produced, or discharged; the likelihood of contact with stormwater; and history of significant leaks or spills of toxic or hazardous substances.

The description of BMPs shall include:

- 1) **Stormwater diversion:** Describe how and where stormwater will be diverted away from industrial areas to prevent stormwater contamination.
- 2) **Materials handling and spill prevention:** For materials that could impact stormwater runoff, all existing and planned BMPs that prevent the contamination of stormwater runoff at the site shall be included and described.

B. STORMWATER MANAGEMENT PLAN - CONTENTS AND REQUIREMENTS (cont.)

- 3) Sediment and erosion prevention: The plan shall identify areas which, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identify measures taken to limit erosion.
- 4) Other pollution prevention measures: The plan shall identify any other structural and non-structural measures for stormwater quality control on-site.

In each case where stormwater pollution potential exists, appropriate preventive measures must be taken and documented.

- c. **Sampling Information**:- The plan shall include a summary of any existing discharge sampling data describing pollutants in stormwater discharges, and a description of each existing or proposed sampling point, if monitoring is required by the Division under Part I.D.2.
- d. **Preventive Maintenance**: A preventive maintenance program is required, and shall involve inspection and maintenance of stormwater management devices (cleaning oil/water separators, catch basins, etc.) as well as inspecting and testing plant equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters. These periodic inspections are different from the comprehensive site evaluation (see Part I.C.5), although the former may be incorporated into the latter. Equipment, area, or other inspections are typically visual and are normally conducted on a regular basis (e.g., daily inspections of loading areas).
- e. **Good Housekeeping**: Good housekeeping requires the maintenance of a clean, orderly facility. This part of the SWMP shall address cleaning and maintenance schedules, trash collection and disposal practices, grounds maintenance, etc.
- f. **Spill Prevention and Response Procedures**: Areas where potential spills can occur, and their accompanying drainage points, shall be identified clearly in the SWMP. Where appropriate, specifying material handling procedures and storage requirements in the plan shall be considered. Procedures for cleaning up spills shall be identified in the plan and made available to the appropriate personnel. The necessary equipment to implement a clean up shall be available to personnel.
- g. **Employee Training**: Employee training programs shall inform personnel at all levels of responsibility (who are involved in industrial activities that may impact stormwater runoff) of the components and goals of the SWMP. Training shall address topics such as spill response, good housekeeping and material management practices. The SWMP shall identify periodic dates for such training. Contractor or temporary personnel shall be informed of plant operation and design features in order to prevent discharges or spills from occurring.
- h. **Identification of Discharges other than Stormwater**: The stormwater conveyance system on the site shall be evaluated for the presence of discharges other than stormwater. The SWMP shall include a description of the results of any evaluation for the presence of discharges other than stormwater, the method used, the date of the evaluation, and the on-site drainage points that were directly observed during the evaluation.

A number of discharges other than stormwater may not require a CDPS Industrial Wastewater Discharge permit and are considered Allowable Non-Stormwater Discharges. Any of these discharges that exist at the site must be identified in the SWMP. See Part I.C.3.b of the permit for a list of such allowable discharges.

4. **Comprehensive Inspections**

The SWMP shall identify qualified personnel that shall inspect designated equipment and plant areas. The procedures and intervals of the comprehensive inspection shall also be specified in the plan and shall be consistent with Part I.C.5. Except as provided in paragraphs (d) and (e) of that part, comprehensive inspections shall in no case be completed less than twice a year (in the spring and fall). The operator shall keep a record of such inspections. This record shall be made available to the Division upon request and shall be summarized in the Annual Report.

B. STORMWATER MANAGEMENT PLAN - CONTENTS AND REQUIREMENTS (cont.)

5. **Consistency with Other Plans**

SWMPs may reflect requirements for Spill Prevention Control and Countermeasure (SPCC) plans under section 311 of the CWA, or Best Management Practices (BMPs) Programs otherwise required by a CDPS permit, and may incorporate any part of such plans into the SWMP by reference, provided that the relevant sections of such plans are available as part of the SWMP consistent with Section I.C.2.b.

C. OTHER TERMS AND CONDITIONS

1. **General Limitations**

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

- a. Stormwater discharges from industrial activities shall not cause or threaten to cause pollution, contamination or degradation of State waters.
- b. Bulk storage structures for petroleum products and any other chemicals shall have secondary containment or equivalent adequate protection so as to contain all spills and prevent any spilled material from entering State waters.
- c. No chemicals are to be added to the discharge unless permission for the use of a specific chemical is granted by the Division. In granting the use of such chemicals, special conditions and monitoring may be addressed by separate letter.
- d. All dischargers must comply with the lawful requirements of counties, drainage districts and other state or local agencies regarding any discharges of stormwater to storm drain systems or other water courses under their jurisdiction.

2. **SWMP Requirements**

- a. **SWMP Preparation and Implementation:** The SWMP shall be prepared prior to applying for coverage under the general permit, and certification of this submitted with the application. **The SWMP shall be implemented when the facility begins operations, or when the general permit certification is issued, whichever is later, and updated as appropriate (see paragraph c.2), below).**
- b. **SWMP Retention:** A current copy of the SWMP shall be retained on site.
- c. **SWMP Review/Changes:**
 - 1) **Division Review:** Upon review of the SWMP, the Division may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this permit. After such notification, the permittee shall make changes to the plan and shall submit to the Division an update to the plan including the requested changes. Unless otherwise provided by the Division, the permittee shall have 30 days after such notification to both make the necessary changes to the plan and to implement them.

If the Division determines that the permittee's discharges may cause, have the reasonable potential to cause, or contribute to an excursion above any applicable water quality standard, the Division may require the permittee, within a specified time period, to develop and implement a supplemental BMP action plan describing SWMP modifications to adequately address the identified water quality concerns.

- 2) **Permittee Review/Change:** The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance which has a significant effect on the potential for the discharge of pollutants to the waters of the State, or if the SWMP proves to be ineffective in achieving the general objectives of controlling pollutants in stormwater discharges associated with industrial activity. If existing BMPs need to be modified or if additional BMPs are necessary, the plan changes and implementation must be completed before the next anticipated storm, or not more than **60 days** after: the change in design, construction, operation, or maintenance, or; the SWMP has been determined to be ineffective, unless this time frame is extended by the Division. Amendments to the plan shall be summarized in the next Annual Report. The Division reserves the right to require additional measures to prevent and control pollution, as needed.

C. OTHER TERMS AND CONDITIONS (cont.)

3. **Prohibition of Non-stormwater Discharges**

- a. Except as provided in subsection b, below, **all discharges authorized by this permit shall be composed entirely of stormwater discharges associated with industrial activity.** Discharges of material other than stormwater must be addressed in a separate CDPS permit issued for that discharge.
- b. Discharges from the following sources may be authorized by this permit, provided that:
 - 1) appropriate control measures to minimize the impacts of such sources are implemented as needed; and
 - 2) the non-stormwater component(s) of the discharge and the control measure(s) used are identified in the SWMP.

These sources include discharges from emergency fire fighting activities; fire hydrant flushing; potable water, including water line flushing; pavement wash waters where no detergents are used and no spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed); routine external building and sign washdown that does not use detergents; uncontaminated compressor condensate; irrigation drainage; lawn watering; air conditioner condensate; uncontaminated springs; foundation or footing drains where flows are not contaminated; and incidental windblown mist from cooling towers that collects on rooftops of adjacent portions of the facility, but NOT intentional discharges from the cooling tower.

4. **Releases in Excess of Reportable Quantities**

This permit does not relieve the permittee of the reporting requirements of 40 CFR 110, 40 CFR 117 or 40 CFR 302. Any discharge of hazardous substances must be handled in accordance with the Division's Notification Requirements (see Part II.A.3 of the permit).

5. **Comprehensive Facility Inspections**

In addition to the inspections necessary to comply with the preventive maintenance program requirements in Part I.B.3.d, qualified personnel identified by the permittee shall make a comprehensive inspection of their stormwater management system, at least twice per year (in the spring and fall), except as provided in paragraphs d and e, below. These comprehensive inspections must be documented and summarized in the Annual Report (see Part I.D.1 of the permit). Qualified personnel are those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and who can also evaluate the effectiveness of BMPs selected.

- a. Material handling areas, disturbed areas, areas used for material storage that are exposed to precipitation, and other potential sources of pollution identified in the SWMP in accordance with Part I.B.3.b of this permit shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Structural stormwater management measures, sediment and control measures, and other structural pollution prevention measures identified in the plan shall be observed to ensure that they are operating correctly. A visual inspection of equipment needed to implement the plan, such as spill response equipment, shall be made to confirm that it is readily available and in proper working order.
- b. Any repairs or maintenance needs identified by the inspection shall be completed immediately. Based on the results of the inspection, if revisions to the description of potential pollutant sources and pollution prevention measures identified in the plan are needed, the plan shall be revised as appropriate, and shall provide for implementation of any changes to the plan in a timely manner, and in compliance with the requirements of Part I.C.2.c.2.
- c. A report summarizing the scope of the inspection, personnel making the inspection, the date(s) of the inspection, significant observations relating to the implementation of the SWMP, and actions taken in accordance with paragraph (b), above, shall be made and retained for at least three years after the date of the inspection. Significant observations include such things as the locations of discharges of pollutants from the site; locations of previously unidentified sources of pollutants; locations of BMPs needing maintenance or repair; locations of failed BMPs that need replacement; and locations where additional BMPs are needed. The report must also document any incidents of noncompliance observed.

C. OTHER TERMS AND CONDITIONS (cont.)

- d. Where semi-annual site inspections are shown in the plan to be impractical for sites where an employee is not stationed or does not routinely visit the site, inspections as required in this part shall be conducted at appropriate intervals specified in the plan, but never less than once in two years.
- e. Where semi-annual site inspections are shown in the plan to be impractical for inactive sites (sites where industrial activity is no longer conducted), site inspections required by this part shall be conducted at appropriate intervals specified in the plan, but, in no case less than once in three years. At least one site inspection required under this part shall be conducted prior to October 1, 2009 or the date two years after such site becomes inactive, whichever is later.

6. **SWMP Availability**

A copy of the SWMP shall be provided to the Division and/or to EPA upon request, and within the time frame specified in the request. If the SWMP is required to be submitted to either of these entities, it must include a signed certification in accordance with Part I.C.3 of the permit, certifying that the SWMP is complete and meets all permit requirements.

All SWMPs required under this permit are considered reports that shall be available to the public under Section 308(b) of the CWA. The owner or operator of a facility with stormwater discharges covered by this permit shall make plans available to members of the public upon request. However, the permittee may claim any portion of a stormwater pollution plan as confidential in accordance with 40 CFR Part 2.

7. **Total Maximum Daily Load (TMDL)**

If a TMDL has been approved for any waterbody into which the permittee discharges, and it has been determined that the types of discharges covered under this permit are or have the potential to be identified as a significant source of the pollutant in question, the permittee will be notified by the Division. The permittee will be required to do the following:

- a. under the permittee's SWMP, implement specific management practices based on requirements of the TMDL, and evaluate whether the requirements are being met through implementation of existing stormwater BMPs or if additional BMPs are necessary. Document the calculations or other evidence that show that the requirements, including any specific pollutant wasteload allocations (WLAs), are expected to be met; and
- b. if the evaluation shows that additional or modified BMPs are necessary, describe the type and schedule for the BMP additions/revisions. A description of the SWMP changes shall be included with the next Annual Report, or if requested by the Division, whichever is sooner.

Discharge monitoring may also be required. The permittee may maintain coverage under the general permit provided they comply with the applicable requirements outlined above. The Division reserves the right to require individual or alternate general permit coverage.

D. MONITORING AND REPORTING

1. **Annual Report**

The permittee will be required to submit an Annual Report, covering January 1 through December 31 of each year, on their compliance with the SWMP. The Annual Report shall contain, at a minimum:

- a. Name of permittee, address, phone number, and permit certification number.
- b. A report on the facility's overall compliance with the SWMP.
- c. A summary of each comprehensive stormwater facility inspection made, including date, findings, and action taken.
- d. Results and interpretation of any stormwater monitoring performed.
- e. The report shall be signed and certified for accuracy by the permittee, including the certification language contained in Part I.D.5 of the permit.

D. MONITORING AND REPORTING (cont.)

- f. For mobile asphalt and concrete batch plants, a description of the current location and past locations for the reporting year.

The Annual Report will be due to the Division on or before **February 15** of the following year (see address below). The exact due date for the permittee's first Annual Report will be listed in their certification. The first report may include less than twelve months of information, unless otherwise indicated in the certification. The Division reserves the right to require additional information in the report, on a case-by-case basis, as needed.

A signed copy of the above report form shall be submitted to the following address:

Colorado Department of Public Health and Environment

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

2. **Monitoring**

Sampling and testing of stormwater for specific parameters is not required on a routine basis under this permit. 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 SWMP is a problem, or to measure the effectiveness of the BMPs in removing pollutants in the effluent.

If monitoring is required, the following definitions apply:

- a. The **thirty (30) day average** shall be determined by the arithmetic mean of all samples collected during a thirty (30) consecutive-day period.
- b. A **grab** sample, for monitoring requirements, is a single "dip and take" sample.

3. **Reporting of Data**

Reporting of any monitoring data gathered in compliance with Part I.D.2 shall be on an annual basis, unless otherwise specified by the Division.

Monitoring results shall be summarized for each year (January 1-December 31) and reported on Division-approved discharge monitoring report forms and submitted to the Division with the Annual Report due **February 15** of each year at the address above.

4. **Reporting to Municipality**

Any permitted facility discharging to a municipal storm sewer shall provide the municipality with a copy of the permit application, and/or Annual Reports, upon request. A copy of the SWMP shall also be provided to the municipality upon request.

5. **Signatory Requirements**

- a. All reports and applications submitted to the Division and/or EPA shall be signed and certified for accuracy by the permittee in accordance with the following criteria:
- 1) 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;
 - 2) In the case of a partnership, by a general partner;
 - 3) In the case of a sole proprietorship, by the proprietor;

D. MONITORING AND REPORTING (cont.)

- 4) 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, if such employee is responsible for the overall operation of the facility from which the discharge described in the form originates.
- b. **Changes to authorization:** If an authorization under paragraph a. of 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 paragraph a. 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.
- c. **Certification:** Any person signing a document under paragraph a. of this section shall make the following certification:

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

E. GENERAL REQUIREMENTS

1. **Monitoring**

If monitoring is required by the Division, the following provisions apply:

a. **Representative Sampling**

Any 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 stated, 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.

b. **Analytical and Sampling Methods for Monitoring**

Analytical and sampling methods utilized by the discharger shall conform to the Colorado Regulations for Effluent Limitations (10.1.5), and to regulations published pursuant to 40 CFR 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.

c. **Records**

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

- 1) The date, type, exact location, and time of sampling or measurements;
- 2) The individual(s) who performed the sampling or measurements;
- 3) The date(s) the analyses were performed;
- 4) The individual(s) who performed the analyses;
- 5) The analytical techniques or methods used;
- 6) The results of such analyses; and
- 7) Any other observations which may result in an impact on the quality or quantity of the discharge as indicated in 40 CFR 122.44 (i)(1)(iii).

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

E. GENERAL REQUIREMENTS (cont.)

2. **Record-keeping and Internal Reporting Procedures**

Incidents such as spills or other discharges, along with other information describing the quality and quantity of stormwater discharges, shall be included in the records. Inspections and maintenance activities shall be documented and recorded. The permittee shall retain such records for a minimum of three (3) years from the date generated. All reports required by the permit and/or the Division, and any relevant correspondence, shall be retained for a minimum of five (5) years from the date generated.

PART II

A. MANAGEMENT REQUIREMENTS

1. **Change in Discharge**

The permittee shall inform the Division (Permits Section) in writing of any intent to construct, install, or alter any process, facility, or activity that is likely to result in a new or altered discharge that is not composed entirely of stormwater and/or allowable non-stormwater discharges identified in Part I.C.3.b. Division notification is also required if the permittee significantly changes the industrial activities at the site such that the industrial activities are no longer consistent with the activity description and/or SIC Code(s) originally identified in the permit application. The permittee shall furnish the Division such plans and specifications which the Division deems reasonably necessary to evaluate the effect on the discharge and receiving stream. If applicable, this notification may be accomplished through submittal of an application for a CDPS process water permit authorizing the discharge. The SWMP shall be updated and implemented prior to the changes. Also see Part I.C.2.c.(2).

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

2. **Special Notifications - Definitions**

- a. **Spill:** An unintentional release of solid or liquid material which may cause pollution of state waters.
- b. **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.

3. **Noncompliance Notification**

- a. If, for any reason, the permittee does not comply with or will be unable to comply with any discharge limitations, standards or permit requirements specified in this permit, except as addressed in sub-paragraph c. of this section, the permittee shall, at a minimum, provide the Water Quality Control Division and EPA with the following information:
 - 1) A description of the discharge and cause of noncompliance;
 - 2) The period of noncompliance, including exact dates and times and/or the anticipated time when the discharge will return to compliance; and
 - 3) Steps being taken to reduce, eliminate, and prevent recurrence of the noncomplying discharge.

A. MANAGEMENT REQUIREMENTS (cont.)

b. The permittee shall report the following instances of noncompliance orally within twenty-four (24) hours from the time the permittee becomes aware of the noncompliance, and shall mail to the Division a written report within five (5) days after becoming aware of the noncompliance (unless otherwise specified by the Division):

- 1) Any instance of noncompliance which may endanger health or the environment;
- 2) Any spill or discharge of oil or other substance which may cause pollution of the waters of the state;
- 3) Any discharge of stormwater which may cause an exceedance of a water quality standard.

c. The permittee shall report all other instances of non-compliance to the Division in the following Annual Report. The reports shall contain the information listed in sub-paragraph (a) of this section.

4. **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, or relevant new information becomes available, the permittee shall promptly submit the relevant application information which was not submitted or any additional information needed to correct any erroneous information previously submitted.

5. **Bypass**

The bypass of treatment facilities is generally prohibited.

6. **Upsets**

a. **Effect of an Upset**

An upset constitutes an affirmative defense to an action brought for noncompliance with permit limitations and requirements 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:

- 1) An upset occurred and that the permittee can identify the specific cause(s) of the upset;
- 2) The permitted facility was at the time being properly operated;
- 3) The permittee submitted notice of the upset as required in Part II.A.3. of this permit (24-hour notice); and
- 4) The permittee complied with any remedial measures required under Section 122.7(d) of the federal regulations.

c. **Burden of Proof**

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

7. **Removed Substances**

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

A. MANAGEMENT REQUIREMENTS (cont.)

8. **Minimization of Adverse Impact**

The permittee shall take all reasonable steps to minimize any adverse impact to waters of the State resulting from noncompliance with any terms and conditions specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

9. **Reduction, Loss, or Failure of Stormwater Controls**

The permittee has the duty to halt or reduce any activity if necessary to maintain compliance with the permit requirements. Upon reduction, loss, or failure of the stormwater control, the permittee shall, to the extent necessary to maintain compliance with its permit, control production, or remove all pollutant sources from exposure to stormwater, or both until the stormwater controls are restored or an alternative method of treatment/control 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.

10. **Proper Operation and Maintenance**

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, 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 only when necessary to achieve compliance with the conditions of the permit.

B. RESPONSIBILITIES

1. **Inspections and Right to Entry**

The permittee shall allow the Director of the State Water Quality Control Division, the EPA Regional Administrator, and/or their authorized representative(s), 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 to investigate, within reason, any actual, suspected, or potential source of water pollution, or any violation of the Colorado Water Quality Control Act. The investigation may include, but is not limited to, the following: sampling of any discharge and/or process waters, the taking of photographs, interviewing permittee staff on alleged violations and other matters related to the permit, and access to any and all facilities or areas within the permittee's premises that may have any effect on the discharge, permit, or any alleged violation.

2. **Duty to Provide Information**

The permittee shall furnish to the Division, within the time frame specified by the Division, any information which the Division may request to determine whether cause exists for modifying, revoking and reissuing, or terminating coverage under 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.

B. RESPONSIBILITIES (cont.)

3. **Transfer of Ownership or Control**

Certification under this permit may be transferred to a new permittee if:

- a. The current permittee notifies the Division in writing 30 days in advance of the proposed transfer date; and
- b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage and liability between them; and
- c. The current permittee has met all fee requirements of the State Discharge Permit System Regulations, Section 61.15.

4. **Modification, Suspension, or Revocation of Permit By Division**

All permit modification, termination or revocation and reissuance actions shall be subject to the requirements of the State Discharge Permit System Regulations, Sections 61.5(2), 61.5(3), 61.7 and 61.15, 5 C.C.R. 1002-61, except for minor modifications.

- a. This permit, and/or certification under this permit, may be modified, suspended, or revoked in whole or in part during its term for reasons determined by the Division including, but not limited to, the following:
 - 1) Violation of any terms or conditions of the permit;
 - 2) 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;
 - 3) Materially false or inaccurate statements or information in the application for the permit;
 - 4) Promulgation of toxic effluent standards or prohibitions (including any schedule of compliance specified in such effluent standard or prohibition) which are established under Section 307 of the Clean Water Act, where such a toxic pollutant is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit.
- b. This permit, and/or certification under this permit, may be modified in whole or in part due to a change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge, such as:
 - 1) Promulgation of Water Quality Standards applicable to waters affected by the permitted discharge; or
 - 2) Effluent limitations or other requirements applicable pursuant to the State Act or federal requirements; or
 - 3) Control regulations promulgated; or
 - 4) Data submitted pursuant to Part I.D.2 or other available information indicates a potential for violation of adopted Water Quality Standards or stream classifications.
- c. This permit, or certification under this permit, may be modified in whole or in part to include new effluent limitations and other appropriate permit conditions where information submitted pursuant to Part I indicates that such effluent limitations and permit conditions are necessary to ensure compliance with applicable water quality standards and protection of classified uses.
- d. At the request of the permittee, the Division may modify or terminate certification under this permit if the following conditions are met:
 - 1) In the case of termination, the permittee notifies the Division of its intent to terminate the operation 90 days prior to the desired date of termination;

B. RESPONSIBILITIES (cont.)

- 2) In the case of termination, the permittee has ceased any and all discharges to state waters and demonstrates to the Division there is no probability of further uncontrolled discharge(s) which may affect waters of the State. Alternately, the permit may not be needed and coverage may be terminated if the facility qualifies for the No Exposure Exclusion and the permittee complies with the requirements outlined in Section 61.3(2)(h) of the State Discharge Permit System Regulations;
- 3) The Division finds that the permittee has shown reasonable grounds consistent with the Federal and State statutes and regulations for such modification, amendment or termination;
- 4) Fee requirements of Section 61.15 of State Discharge Permit System Regulations have been met; and
- 5) Applicable requirements of public notice have been met.

5. **Permit Violations**

Failure to comply with any terms and/or conditions of this permit shall be a violation of this permit.

Dischargers of stormwater associated with industrial activity, as defined in the EPA Stormwater Regulation (40 CFR 122.26(b)(14), which do not obtain coverage under this or other Colorado general permits, or under an individual CDPS permit regulating industrial stormwater, will be in violation of the federal Clean Water Act and the Colorado Water Quality Control Act, 25-8-101. Failure to comply with CDPS permit requirements will also constitute a violation. Civil penalties for such violations may be up to \$10,000 per day, and criminal pollution of state waters is punishable by fines of up to \$25,000 per day.

6. **Legal Responsibilities**

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.

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.

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.

7. **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.

8. **Renewal Application**

If the permittee desires to continue to discharge, a permit renewal application shall be submitted at least ninety (90) days before this permit expires. If the permittee anticipates that there will be no discharge after the expiration date of this permit, the Division shall be promptly notified so that it can terminate the permit in accordance with Part II.B.4.d.

9. **Confidentiality**

Except for data determined to be confidential under Section 308 of the Federal Clean Water Act and Regulations for the State Discharge Permit System 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. The permittee must state what is confidential at the time of submittal.

B. RESPONSIBILITIES (cont.)

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 section shall bear the burden of proving its applicability. This section shall never be interpreted as preventing full disclosure of effluent data.

10. **Fees**

The permittee is required to submit payment of an annual fee as set forth in the Water Quality Control Act. Failure to submit the required fee when due and payable is a violation of the permit and will result in enforcement action pursuant to Section 25-8-601 et. seq., C.R.S. 1973 as amended.

11. **Requiring an Individual CDPS Permit**

The Director may require any owner or operator covered under this permit to apply for and obtain an individual or alternate general CDPS permit if:

- a. The discharger is not in compliance with the conditions of this general permit;
- b. Conditions or standards have changed so that the discharge no longer qualifies for a general permit; or
- c. Data/information become available which indicate water quality standards may be violated.

The owner or operator must be notified in writing that an application for an individual or alternate general CDPS permit is required. When an individual or alternate general CDPS permit is issued to an owner or operator otherwise covered under this General Permit, the applicability of this general permit to that owner or operator is automatically terminated upon the effective date of the individual or alternate general CDPS permit.

CDPS GENERAL PERMIT - LIGHT INDUSTRY

TABLE OF CONTENTS

PART I

A. COVERAGE UNDER THIS PERMIT 2

1. Authority to Discharge 2

2. Application, Due Dates..... 2

 a. Application Due Dates 2

 b. Application Form 2

3. Permit Certification Procedures..... 2

 a. Request for Additional Information 2

 b. Automatic Coverage..... 2

 c. Individual Permit Required 2

 d. General vs. Individual Permit Coverage 3

4. Permit Expiration Date 3

5. Industries Covered Under this Permit..... 3

 a. Types of Industries Covered, by Standard Industrial Classification (SIC) Codes 3

 b. Definitions..... 3

6. Individual Permit Criteria 4

7. Mobile Asphalt and Concrete Batch Plants 4

B. STORMWATER MANAGEMENT PLAN - CONTENTS AND REQUIREMENTS 4

1. Industrial Activity Description 4

2. Site Map 5

3. Stormwater Management Controls 5

 a. SWMP Administrator..... 5

 b. Identification of Potential Pollutant Sources and Best Management Practices 5

 c. Sampling Information 6

 d. Preventive Maintenance 6

 e. Good Housekeeping 6

 f. Spill Prevention and Response Procedures 6

 g. Employee Training..... 6

 h. Identification of Discharges other than Stormwater 6

4. Comprehensive Inspections 6

5. Consistency with Other Plans 7

C. OTHER TERMS AND CONDITIONS..... 7

1. General Limitations 7

2. SWMP Requirements 7

 a. SWMP Preparation and Implementation..... 7

 b. SWMP Retention: 7

 c. SWMP Review/Changes 7

3. Prohibition of Non-stormwater Discharges 8

4. Releases in Excess of Reportable Quantities 8

5. Comprehensive Facility Inspections 8

6. SWMP Availability 9

7. Total Maximum Daily Load (TMDL) 9

CDPS GENERAL PERMIT - LIGHT INDUSTRY

TABLE OF CONTENTS (cont.)

D. MONITORING AND REPORTING..... 9

- 1. Annual Report 9
- 2. Monitoring..... 10
- 3. Reporting of Data 10
- 4. Reporting to Municipality..... 10
- 5. Signatory Requirements..... 10

E. GENERAL REQUIREMENTS 11

- 1. Monitoring..... 11
 - a. Representative Sampling..... 11
 - b. Analytical and Sampling Methods for Monitoring..... 11
 - c. Records 11
- 2. Recordkeeping and Internal Reporting Procedures 12

PART II

A. MANAGEMENT REQUIREMENTS 12

- 1. Change in Discharge..... 12
- 2. Special Notifications - Definitions 12
- 3. Noncompliance Notification..... 12
- 4. Submission of Incorrect or Incomplete Information..... 13
- 5. Bypass 13
- 6. Upsets 13
 - a. Effect of an Upset..... 13
 - b. Conditions Necessary for a Demonstration of Upset..... 13
 - c. Burden of Proof..... 13
- 7. Removed Substances 13
- 8. Minimization of Adverse Impact..... 14
- 9. Reduction, Loss, or Failure of Treatment Facility 14
- 10. Proper Operation and Maintenance 14

B. RESPONSIBILITIES 14

- 1. Inspections and Right to Entry..... 14
- 2. Duty to Provide Information..... 14
- 3. Transfer of Ownership or Control 15
- 4. Modification, Suspension, or Revocation of Permit By Division..... 15
- 5. Permit Violations..... 16
- 6. Legal Responsibilities..... 16
- 7. Severability..... 16
- 8. Renewal Application 16
- 9. Confidentiality..... 16
- 10. Fees..... 17
- 11. Requiring an Individual CDPS Permit..... 17