



Colorado Department
of Public Health
and Environment

WATER QUALITY INFORMATION BULLETIN

Highlights For October 2007

- **Agenda: Informational Hearings and Business Meeting, October 9, 2007**
<http://www.cdphe.state.co.us/op/wqcc/MeetingsandHearings/wqag.htm>
- **Notice of Public Rulemaking Hearing**
For consideration of revisions to the...
 - Regulations for Effluent Limitations Regulation 62 (5 CCR 1002-62)
<http://www.cdphe.state.co.us/op/wqcc/MeetingsandHearings/HearingNotices/rulemaking/wqrmnot.html>
- **Notice of Public Informational Hearing**
 - Upper Colorado River Basin and the North Platte River (Planning Region 12), Regulation #33 (5 CCR 1002-33) and the Lower Colorado River Basin, Regulation #37 (5 CCR 1002-37).
<http://www.cdphe.state.co.us/op/wqcc/MeetingsandHearings/HearingNotices/rulemaking/wqrmnot.html>
- **Notice of Administrative Action Hearing**
 - Pikes Peak Area Council of Governments section 208 plan amendments,
 - Financial assistance intended use plans
<http://www.cdphe.state.co.us/op/wqcc/MeetingsandHearings/HearingNotices/AAH/AAHNotices.htm>

PUBLICATION DATE: September 28, 2007

A. PERMIT ACTIONS

1. PERMITS SENT TO PUBLIC NOTICE ON SEPTEMBER 21, 2007 – COMMENTS DUE BY OCTOBER 21, 2007

The website to view public notices and drafts:

www.cdphe.state.co.us/wq/PermitsUnit/publicnotice/publiccomment.html

<u>PERMITTEE</u>	<u>PERMIT NO.</u>	<u>COUNTY</u>	<u>RECEIVING WATER</u>
Holcim (US) Inc. Portland Plant (A)	CO-0000671	Fremont	Arkansas River
Suncor Energy (USA) Inc (A)	CO-0001147	Adams	Sand Creek
Aspen Lodge at Estes Park Corp	CO-0042820	Larimer	Tahosa Creek
Town of Las Animas (A)	CO-0040690	Bent	Arkansas River
Western Fuels-Colorado, LLC (A)	CO-0000213	Montrose	Tuttle Draw/ Calamity Draw
City of Monte Vista/Henderson Lagoon Wastewater Treatment Facility	CO-0023132	Rio Grande	Rio Grande River
City of Monte Vista/ Veteran's Center Wastewater Treatment Facility	CO-0036927	Rio Grande	Rio Grande River

(A) Denotes Amendment

2. DISCHARGE PERMITS ISSUED – AUGUST 2007

<u>PERMITTEE</u>	<u>PERMIT NO.</u>	<u>COUNTY</u>	<u>DATE ISSUED</u>
PCL Construction Services (A)	CO-0072463	Pitkin	08/02/2007
1256 Cattle Company (A)	CO-0931045	Yuma	08/03/2007
Upper Eagle Regional Water Authority (A)	CO-0641105	Eagle	08/06/2007
Hensel Phelps Construction Co	CO-0072560	Gilpin	08/06/2007
Twin Peaks Utilities & Infrastructure	CO-0072563	Routt	08/09/2007
Parker Excavating, Inc	CO-0072581	Adams	08/09/2007
Pioneer Natural Resources, USA	CO-0621005	Las Animas	08/10/2007
Barden Colorado Gaming, LLC	CO-0072566	Gilpin	08/10/2007
Stanek Constructors, Inc	CO-0072565	Summit	08/13/2007
American West Construction, LLC	CO-0072567	Denver	08/13/2007
Coe Construction	CO-0072584	Boulder	08/13/2007
GE Johnson Construction Co	CO-0072574	Denver	08/14/2007
Alliance Construction Solutions	CO-0072586	Jefferson	08/16/2007
Envirocon, Inc	CO-0072569	Denver	08/17/2007
M.A. Mortenson Company	CO-0072570	Denver	08/22/2007
Vail Resorts Development Company	CO-0072571	Summit	08/22/2007
Colorado Dept of Transportation	CO-0072514	Archuleta	08/23/2007
Vail Summit Resorts, Inc	CO-0072582	Statewide	08/24/2007
Gerald H. Phipps, Inc	CO-0072587	Denver	08/24/2007
City of Glenwood Springs	CO-0020516	Garfield	08/27/2007
City of Yuma (A)	CO-0047210	Yuma	08/27/2007
Flatiron Constructors, Inc	CO-0072576	Lincoln	08/27/2007
City of Gunnison	CO-0071530	Gunnison	08/28/2007
Rocky Mountain Excavating	CO-0072577	Routt	08/28/2007
Moose Haven Condominiums	CO-0047279	Lake	08/29/2007
Precision Excavating, Inc	CO-0072517	Routt	08/29/2007
Mantle Ranch	CO-0072580	Rio Blanco	08/29/2007
R.C. Heath Construction	CO-0072579	Larimer	08/29/2007

(A) Denotes Amendment

A. PERMIT ACTIONS (cont.)

2. DISCHARGE PERMITS ISSUED – AUGUST 2007

<u>PERMITTEE</u>	<u>PERMIT NO.</u>	<u>COUNTY</u>	<u>DATE ISSUED</u>
US Dept of Interior Bureau Reclamation	CO-0072585	Larimer	08/29/2007
Blue Mountain Energy, Inc	CO-0038024	Rio Blanco	08/31/2007
Battle Mountain Resources, Inc	CO-0045675	Costilla	08/31/2007

(A) Denotes Amendment

3. GENERAL PERMIT CERTIFICATIONS – AUGUST 2007

<u>PERMITTEE</u>	<u>PERMIT NO.</u>	<u>COUNTY</u>	<u>DATE ISSUED</u>
AC Systems, Inc	COG-0600826	Statewide	08/02/2007
Frisco Sanitation Dist	COG-0600916	Summit	08/02/2007
Kobey Development, Inc	COG-0600934	Denver	08/02/2007
Wright & McGill Co	COG-0600954	Statewide	08/02/2007
Gambro BCT	COG-0600956	Statewide	08/02/2007
Carmel Partners, Inc	COG-0600955	Statewide	08/02/2007
2H Mechanical, LLC	COG-0600960	Statewide	08/08/2007
Good News Heating & Air Conditioning Inc	COG-0600961	Statewide	08/08/2007
Heart of the Rockies Regional Med Ctr (A)	COG-0600780	Chafee	08/10/2007
CMS Mechanical Services, Inc	COG-0600813	Statewide	08/10/2007
Public Service Company of Colorado	COG-0600943	Adams	08/10/2007
Enterprise Products Operating, LLC	COG-0600951	Rio Blanco	08/14/2007
Industrial Building Services	COG-0600962	Statewide	08/14/2007
Public Service Company of Colorado	COG-0600953	Clear Creek	08/20/2007
City of Louisville	COG-0600957	Boulder	08/20/2007
Grand County	COG-0600965	Grand	08/20/2007
RK Mechanical Inc	COG-0600836	Statewide	08/21/2007
Haynes Mechanical Systems, Inc	COG-0600835	Statewide	08/22/2007
Eagle River Water & Sanitation Dist	COG-0380021	Eagle	08/22/2007
Carrier Commercial Service	COG-0600971	Statewide	08/23/2007
Trane	COG-0600970	Statewide	08/23/2007
Olson Plumbing & Heating Co	COG-0600969	Statewide	08/23/2007
Upper Eagle Regional Water Authority	COG-0380022	Eagle	08/28/2007
Public Service Company of Colorado (A)	COG-0600943	Adams	08/28/2007
Northwest Pipeline Corp	COG-0600959	Garfield	08/28/2007
The Weitz Company (A)	COG-0600706	Pitkin	08/29/2007

(A) Denotes Amendment

B. STORMWATER DISCHARGE GENERAL PERMIT CERTIFICATIONS – AUGUST 2007

Light Industrial Activities	3
Heavy Industrial Activities	1
Construction Activities	185
Sand and Gravel Mining	5
State Highway Sand & Gravel	0
Metal Mining	0
Recycling	3
Municipal (MS4) State-wide	0
Municipal (MS4) Cherry Ck Res Basin	0

The **Stormwater Construction Application** and **Stormwater Management Plan Guidance** (Appendix A of the Application) have been revised/updated. They are available on our website at <http://www.cdphe.state.co.us/wq/PermitsUnit/stormwater/construction.html>.

Stormwater permit applications, guidance documents, etc., are available at:
<http://www.cdphe.state.co.us/wq/PermitsUnit/stormwater/index.html>.

To find out more about the Stormwater regulation, to be added to the Phase II mailing list, or for more information about the Stormwater Program, please contact Nathan Moore at (303) 692-3555; email: nathan.moore@state.co.us; or Kathy Dolan at (303) 692-3596; email: kathy.dolan@state.co.us. For more information on stormwater construction permitting, contact Matt Czahor at (303) 692-3575; email: matthew.czahor@state.co.us, or Kathy Rosow at (303) 692-3521; email: kathleen.rosow@state.co.us

C. ENFORCEMENT/CIVIL PENALTIES/CONSENT OF SETTLEMENT AGREEMENTS

1. ENFORCEMENT – NEW ACTION

<u>RESPONSIBLE PARTY</u>	<u>ACTION</u>	<u>COUNTY</u>	<u>DATE</u>
Camp Lazy Acres	Drinking Water – Enforcement Order and Administrative Penalty	Pueblo	08/27/2007
Cowboy Café	Drinking Water – Enforcement Order and Administrative Penalty	El Paso	08/27/2007
Bobcat Meadows Metro District	Drinking Water – Enforcement Order and Administrative Penalty	El Paso	08/27/2007
Cache Development	Stormwater – Order for Civil Penalty	Montrose	08/29/2007
Stonegate Village Metro District	Wastewater – Notice of Violation/ Cease and Desist Order	Douglas	08/31/2007
Bruner's Artesian Water Service – Fleck	Drinking Water – Enforcement Order and Administrative Penalty	Mesa	08/31/2007
Bruner's Artesian Water Service – Redd	Drinking Water – Enforcement Order and Administrative Penalty	Mesa	08/31/2007
Buttermilk Metropolitan District	Drinking Water – Enforcement Order and Administrative Penalty	Pitkin	08/31/2007
Church for All Nations	Drinking Water – Enforcement Order and Administrative Penalty	El Paso	08/31/2007
East End Water Association	Drinking Water – Enforcement Order and Administrative Penalty	Otero	08/31/2007

C. ENFORCEMENT/CIVIL PENALTIES/CONSENT OF SETTLEMENT AGREEMENTS (cont.)

1. ENFORCEMENT – NEW ACTION

<u>RESPONSIBLE PARTY</u>	<u>ACTION</u>	<u>COUNTY</u>	<u>DATE</u>
Elephant Rock MHP	Drinking Water – Enforcement Order and Administrative Penalty	El Paso	08/31/2007
Fort Collins Lakeside KOA	Drinking Water – Enforcement Order and Administrative Penalty	Larimer	08/31/2007
Town of Gardner	Drinking Water – Enforcement Order and Administrative Penalty	Huerfano	08/31/2007
Grandview MHP Apartments Store	Drinking Water – Enforcement Order and Administrative Penalty	La Plata	08/31/2007
Happy Campers RV Park	Drinking Water – Enforcement Order and Administrative Penalty	Archuleta	08/31/2007
Hideout Cabins and Campground	Drinking Water – Enforcement Order and Administrative Penalty	Garfield	08/31/2007
Hillside Trailer Park	Drinking Water – Enforcement Order and Administrative Penalty	Otero	08/31/2007
Moraine Park Water System	Drinking Water – Enforcement Order and Administrative Penalty	Grand	08/31/2007
Rainbow Valley Water District	Drinking Water – Enforcement Order and Administrative Penalty	Teller	08/31/2007
Travois Homeowners Association	Drinking Water – Enforcement Order and Administrative Penalty	Arapahoe	08/31/2007
Melody Homes, Inc.	Stormwater – Order for Civil Penalty	Weld	09/12/2007
Centennial Water & Sanitation District	Wastewater – Order for Civil Penalty	Douglas	09/12/2007

2. CONSENT OR SETTLEMENT AGREEMENTS TO PUBLIC NOTICE

<u>RESPONSIBLE PARTY</u>	<u>ACTION</u>	<u>COUNTY</u>	<u>DATE</u>
Edward Kraemer & Sons	Stormwater – Compliance Order on Consent	Boulder	09/07/2007

3. FINAL AGENCY ACTIONS

<u>RESPONSIBLE PARTY</u>	<u>ACTION</u>	<u>COUNTY</u>	<u>DATE</u>
Wells Livestock	Expedited Settlement Agreement	Weld	08/28/2007
Whitfield Brothers	Expedited Settlement Agreement	Montrose	08/28/2007
Juniper Valley Dairy Farm	Expedited Settlement Agreement	Fremont	09/07/2007
A.R. Wilfley & Sons	Expedited Settlement Agreement	Denver	09/07/2007
Intertech Plastics	Expedited Settlement Agreement	Denver	09/07/2007
KIK (Denver)	Expedited Settlement Agreement	Denver	09/07/2007
Quality Linings & Painting	Expedited Settlement Agreement	Denver	09/07/2007

C. ENFORCEMENT/CIVIL PENALTIES/CONSENT OF SETTLEMENT AGREEMENTS (cont.)

3. FINAL AGENCY ACTIONS

<u>RESPONSIBLE PARTY</u>	<u>ACTION</u>	<u>COUNTY</u>	<u>DATE</u>
Siegel Oil Company	Expedited Settlement Agreement	Denver	09/07/2007
Banner Rebar, Inc	Expedited Settlement Agreement	Denver	09/07/2007
ConAgra Food	Expedited Settlement Agreement	Denver	09/07/2007
Aurora Dairy Corporation	Expedited Settlement Agreement	Weld	09/14/2007

D. CONSTRUCTION ACTIONS

1. Site Applications Reviews

<u>APPLICANT</u>	<u>TYPE</u>	<u>FACILITY DESCRIPTION</u>	<u>ACTION</u>	<u>COUNTY</u>
City of Louisville	Site Application #4945	Lift station and force main. Design capacities 0.55 MGD Average/Peak capacity 1.38 MGD	Approved 09/14/2007	Boulder

2. Plans and Specifications Reviews

<u>APPLICANT</u>	<u>SITE APPLICATION</u>	<u>FACILITY DESCRIPTION</u>	<u>ACTION</u>	<u>COUNTY</u>
City of Delta	Site Application #4941	Lift station and force main. Design capacities 0.035 MGD Average/Peak capacity 0.142 MGD	Approved 08/09/2007	Delta

E. WATER QUALITY CERTIFICATIONS (Section 401)

Water Quality Certifications, under Section 401 of the Clean Water Act, provide for Division determinations that federally issued permits and licenses will comply with the Basic Standards and Methodologies for Surface Water, the Basic Standards for Ground Water, surface and ground water classifications and water quality standards, and all other applicable water quality requirements for the affected waters.

- For the purposes of the antidegradation requirements found in Section 31.8 of the Basic Standards and Methodologies, the following projects have been reviewed to make a preliminary determination of the significance of such projects. Public comment on these preliminary determinations will be received for thirty days following the date of publication of this newsletter. More information on the specific projects can be obtained from John Hranac (john.hranac@state.co.us), (303) 692-3586) or Christy Pickens (christy.pickens@state.co.us), (303) 692-3584. The U.S. Army Corp of Engineers also reviews these projects, under Section 404 of the Clean Water Act, and a list of their current public notice can be found on their web site.***

NONE SINCE LAST PUBLICATION

E. WATER QUALITY CERTIFICATIONS (Section 401) (cont.)

2. *The following projects have received a certification determination from the Division. For further information regarding these projects, please call the Division at (303) 692-3500.*

<u>APPLICANT</u>	<u>C.O.E PERMIT #</u>	<u>ACTIVITY</u>	<u>COUNTY</u>	<u>WATERBODY</u>	<u>DETERMINATION</u>
#4182 - Ridgway River Development	200675463	Residential sub-division development	Ouray	Uncompahgre River, Gunnison River Basin, Seg. COGUUN03a of Uncompahgre River Sub-basin	Regular

F. FINANCIAL ASSISTANCE PROGRAM

1. \$10,000 PLANNING AND/OR DESIGN GRANTS

NONE SINCE LAST PUBLICATION

2. PUBLIC HEARING/PUBLIC MEETING

NONE SINCE LAST PUBLICATION

3. FINDING OF NO SIGNIFICANT IMPACT AND CATEGORICAL EXCLUSION DETERMINATIONS

NONE SINCE LAST PUBLICATION

4. DRINKING WATER ELIGIBILITY ASSESSMENT

<u>LOANEE</u>	<u>COUNTY</u>	<u>PROJECT DESCRIPTION</u>	<u>DATE</u>
City of Las Animas	Bent	Distribution system improvements and upgrades	06/20/2007

5. LOAN APPLICATIONS RECEIVED

<u>ENTITY</u>	<u>COUNTY</u>	<u>AMOUNT</u>	<u>PROJECT DESCRIPTION</u>	<u>DATE</u>
Town of Eckley	Yuma	\$100,000	The project consists of the instillation of water meters	06/12/2007
City of Brush	Morgan	\$12,100,000	Upgrade to wastewater treatment facility	06/25/2007
City of Las Animas	Bent	\$377,460	Distribution system improvements and upgrades	06/29/2007
City of Las Animas	Bent	\$812,000	Water system improvements	06/29/2007
Town of Crowley	Crowley	\$783,000	Improvements to the Town's Wastewater Treatment Facility	06/29/2007
Town of Ordway	Crowley	\$114,300	The project consists of sections of the old and undersized water distribution system	08/07/2007

6. LOANS APPROVED BY CWRPDA

NONE SINCE LAST PUBLICATION

7. LOANS EXECUTED

NONE SINCE LAST PUBLICATION

F. FINANCIAL ASSISTANCE PROGRAM (cont.)

8. CONSTRUCTION LOAN COMPLETIONS

<u>LOANEE</u>	<u>COUNTY</u>	<u>AMOUNT</u>	<u>PROJECT DESCRIPTION</u>	<u>DATE</u>
Kremmling WWTF	Grand	\$950,000	Improvement / Expansion of Wastewater Treatment Plant; Reuse Facility; Collection / Interceptor Construction / Rehabilitation	07/31/2007
Town of Boone	Pueblo	\$514,297	Construction of an anion exchange nitrate removal water treatment plant, replacement of well #5, metering at well #12, and recoating the interior and exterior of a steel storage tank. Other activities include various replacements and rerouting of distribution lines, installing a booster pump, valves, hydrants, meters and other water distribution appurtenances	09/05/2007

9. STATE GRANT CONTRACTS EXECUTED

<u>ENTITY</u>	<u>COUNTY</u>	<u>AMOUNT</u>	<u>PROJECT DESCRIPTION</u>	<u>DATE</u>
Town of Rico	Dolores	\$92,892	<i>Installation of UF211 Ultrafiltration filters to remove bacteria and to meet CDPHE standards</i>	09/05/2007

G. TOTAL MAXIMUM DAILY LOADS

TOTAL MAXIMUM DAILY LOADS SENT TO PUBLIC NOTICE ON OCTOBER 1, 2007 COMMENTS DUE BY NOVEMBER 16, 2007.

TMDLs developed under Section 303(d) of the Clean Water Act are pollutant specific and identify the available assimilative capacity, pollutant sources, and allocate assimilative capacity among those sources. TMDLs have been developed to address the pollutants and waterbodies indicated. Segment/pollutant combinations which appear on the 1998 303(d) list of impaired waters are indicate by an “**”.

Kerber Creek, from the source to Brewery Creek, CORGCB09a; pH, cadmium*, lead, silver*

Kerber Creek, from Brewery Creek to San Luis Creek; CORGCB09b; cadmium*, copper*, zinc*

Silver Creek, from the Town of Rico drinking water diversion to the Dolores River, COSJDO09; cadmium, zinc*

Snake River, source to Dillon Reservoir, COUCBL06; pH, cadmium*, copper*, lead*, zinc*

Peru Creek, COUCBL07; pH, cadmium*, copper*, lead, manganese, zinc

Comments will be accepted through November 16, 2007. Following the close of the public comment period, the TMDL will be revised as appropriate and submitted to EPA for approval. TMDL submittal constitutes final agency action. Parties may request that the Colorado Water Quality Control Commission convene an adjudicatory hearing concerning a disputed TMDL as described in the Colorado Water Quality Management and Drinking Water Protection Handbook, WQCC Policy #98-2.

Copies of TMDLs may be obtained from the Water Quality Control Division, 4300 Cherry Creek Drive South, Denver, Colorado, 80246-1530. For more information, please call the Phil Hegeman at (303) 692-3518. Additional information is available on the Division's TMDL webpage at www.cdphe.state.co.us/wq/wqhom.asp.

Continued below

SPECIAL NOTES

UPDATE TO THE DIVISION'S BIOMONITORING GUIDANCE DOCUMENT (WHOLE EFFLUENT TOXICITY GUIDANCE)

The Water Quality Control Division's (Division) Permits Section, has updated the Biomonitoring Guidance Document. Included in this updated document is an addition to the section "Effluent Limits", pertaining to the decision to add either chronic or acute WET testing requirements to a permit. Currently this decision is based solely on the ratio of the chronic low flow of the receiving stream to the design flow of the facility. The addition to the guidance document allows for the consideration of an acute WET limit instead place of a chronic WET limit, on a site-specific basis, where both of the following conditions are met:

- 1) where the low flow of the receiving stream is zero for all months; and
- 2) where there is an intermittent discharge.

The basis for this change is that a chronic effect on aquatic life would be unlikely due to the absence of a continuous presence of water in the receiving stream. Receiving streams with a low flow of zero in all months, are typically intermittent streams that flow only in response to snow melt or storm events. If a discharge entering these stream types is intermittent (i.e. the discharge is also in response to a storm event), then the presence of the discharge is not continuous and therefore a chronic effect on aquatic life would be unlikely.

The Division will be accepting comments on **this addition** to the Biomonitoring Guidance Document until October 31st, 2007. The policy is available online at the following web address, under the heading "Policy Documents":

<http://www.cdphe.state.co.us/wq/PermitsUnit/publicnotice/publiccomment.html>

Please forward all comments or questions to Andrew Neuhart by October 31st, 2007, at andrew.neuhart@state.co.us, or at 4300 Cherry Creek Drive South, Denver, CO 80246.

SPECIAL NOTES

The Water Quality Forum Spill Group is requesting comment on a final draft of a spill reporting guidance that will eventually be adopted by the Water Quality Control Division (Division). This guidance has been developed during the past several months and is the product of a collaborative stakeholder process. The work group is seeking feedback from other interests prior to the Division finalizing the guidance for use by Division staff and regulated entities. Please submit any comments by October 31st to Dave Akers at dave.akers@state.co.us and to Dave Meyer at dmeyer@ci.westminster.co.us.