



Colorado Department  
of Public Health  
and Environment

# **WATER QUALITY INFORMATION BULLETIN**

## **Highlights For May 2009**

- **Agenda: Rulemaking Hearing, Administrative Action Hearings and Business Meeting, May 11, 2009**  
<http://www.cdphe.state.co.us/op/wqcc/MeetingsandNotices/wqag.htm>
- **Notice of Public Rulemaking Hearing**
  - Primary Drinking Water Regulations (5 CCR 1003-1)  
<http://www.cdphe.state.co.us/op/wqcc/MeetingsandNotices/hearingnotices/rulemaking/wqrmnot.html>
- **Summary of Proceedings/Motions (DRAFT)**  
**Water Quality Control Commission Regular Meeting, April 13, 2009**  
<http://www.cdphe.state.co.us/op/wqcc/MeetingsandNotices/MeetingSummaries/wqsumm.html>
- **Major Issues Summary, April 2009**  
<http://www.cdphe.state.co.us/op/wqcc/SpecialTopics/mjriss09.04.pdf>

**PUBLICATION DATE: May 1, 2009**

## A. PERMIT ACTIONS

### 1. PERMITS SENT TO PUBLIC NOTICE ON APRIL 24, 2009 – COMMENTS DUE BY MAY 24, 2009

The website to view public notices and drafts:

[www.cdphe.state.co.us/wq/PermitsUnit/publicnotice/publiccomment.html](http://www.cdphe.state.co.us/wq/PermitsUnit/publicnotice/publiccomment.html)

### 2. DISCHARGE PERMITS ISSUED – MARCH 2009

<u>PERMITTEE</u>	<u>PERMIT NO.</u>	<u>COUNTY</u>	<u>DATE ISSUED</u>
Public Service Company of Colorado	CO-001139	Denver	03/10/2009
Town of Windsor	CO-020320	Weld	03/10/2009
Young Life Campaign, Inc (A)	CO-034304	Chaffee	03/10/2009
Amen Real Estate, LLC	CO-035971	Clear Creek	03/10/2009
Public Service Company of Colorado	CO-001104	Adams	03/20/2009

(A) Denotes Amendment

### 3. GENERAL PERMIT CERTIFICATIONS – MARCH 2009

<u>PERMITTEE</u>	<u>PERMIT NO.</u>	<u>COUNTY</u>	<u>DATE ISSUED</u>
109 Feeders, Inc	COA-931062	Otero	03/02/2009
BT Construction (A)	COG-072892	Boulder	03/02/2009
Aztec	COG-073003	El Paso	03/02/2009
Terror Creek Company	COG-850028	Delta	03/03/2009
Thomas and Ginger Latham	COG-500429	Mesa	03/03/2009
City of Fruita	COG-589094	Mesa	03/03/2009
Naranjo Civil Constructors	COG-072997	Douglas	03/03/2009
Sema Construction, Inc	COG-073001	Clear Creek	03/03/2009
Garney Construction	COG-073005	Arapahoe	03/03/2009
Public Service Company of Colorado	COG-073004	Boulder	03/03/2009
Bec Services, Inc	COG-607122	Statewide	03/04/2009
Windsor Land Company, LLC	COG-073011	Weld	03/06/2009
Shell Frontier Oil & Gas, Inc (A)	COG-603102	Rio Blanco	03/09/2009
Covered Bridge Building Assoc., Inc	COG-605009	Eagle	03/09/2009
City of Yuma	COG-603126	Yuma	03/10/2009
Vail Summit Resorts, Inc	COG-073008	Summit	03/11/2009
High Country Pipeline Contractors, Inc	COG-073007	El Paso	03/11/2009
SLV Earth Movers	COG-073010	Archuleta	03/11/2009
Kemp & Hoffman Construction	COG-073013	Denver	03/11/2009
Wyatt Construction	COG-603125	Boulder	03/11/2009
Kiewit Building Group, Inc	COG-072893	Denver	03/13/2009
St. Anthony's Central Hospital (A)	COG-072909	Jefferson	03/13/2009
Commercial Building Services	COG-073012	Jefferson	03/13/2009
Taylor Kohrs, LLC	COG-073015	Jefferson	03/13/2009
LaFarge West, Inc (A)	COG-500430	Adams	03/17/2009

(A) Denotes Amendment

## B. STORMWATER DISCHARGE GENERAL PERMIT CERTIFICATIONS – MARCH 2009

COR-010000	Light Industrial Activities	10
COR-020000	Heavy Industrial Activities	1
COR-030000	Construction Activities	91
COR-040000	Metal Mining	0
COR-060000	Recycling	0
COR-070000	Non-Standard MS4	0
COR-080000	Cherry Creek MS4	0
COR-090000	Statewide MS4	0
COR-340000	Sand and Gravel Mining	0
COR-320000	State Highway Sand and Gravel	0

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 Program contact: Nathan Moore (303) 692-3555; [nathan.moore@state.co.us](mailto:nathan.moore@state.co.us) ,  
 Matt Czahor (303) 692-3575; [matthew.czahor@state.co.us](mailto:matthew.czahor@state.co.us) , or Kathy Rosow (303) 692-3521; [kathleen.rosow@state.co.us](mailto: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>
Riverbend Water and Sewer Co	Drinking Water – Amendment to Enforcement Order	Garfield	03/27/2009
Peter Coulter and Adams Import Auto Wrecking, LLC	Stormwater – Order for Civil Penalty	Arapahoe	03/31/2009
East End Water Assoc	Drinking Water – Amendment to Enforcement Order	Otero	03/31/2009
Eureka Water Co	Drinking Water – Amendment to Enforcement Order	Otero	03/31/2009
Hancock, Inc	Drinking Water – Amendment to Enforcement Order	Otero	03/31/2009
Fayette Water Association, Inc	Drinking Water – Amendment to Enforcement Order	Otero	03/31/2009
May Valley Water Assoc	Drinking Water – Amendment to Enforcement Order	Otero	03/31/2009
Cherokee Metropolitan Dist	Domestic – Order for Civil Penalty	El Paso	04/09/2009
Town of Mancos	Domestic – Amendment to Notice of Violation/ Cease and Desist Order	Montezuma	04/13/2009
Meridian Metropolitan Dist	Domestic – Order for Civil Penalty	Douglas	04/13/2009
Vroman Water Co	Drinking Water – Amendment to Enforcement Order	Otero	04/13/2009
Conejos Water & Sanitation Assoc	Drinking Water – Amendment to Enforcement Order	Conejos	04/13/2009
Sonoran Custom Homes, LLC	Stormwater – Notice of Violation/ Cease and Desist Order	Jefferson	04/14/2009
Colorado Regional Construction, Inc	Stormwater – Notice of Violation/ Cease and Desist Order	Grand	04/14/2009

**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>
FMI Security Commons, LLC	Stormwater – Notice of Violation/ Cease and Desist Order	El Paso	04/14/2009
Heyl, LLC	Stormwater – Notice of Violation	Garfield	04/14/2009
Town of Bayfield (Gem Village Facility)	Domestic – Compliance Order on Consent	La Plata	04/16/2009
Meadow Mountain Water Supply Co	Drinking Water – Amendment to Enforcement Order	Boulder	04/21/2009

**2. CONSENT OR SETTLEMENT AGREEMENTS TO PUBLIC NOTICE**

NONE SINCE LAST PUBLICATION

**3. FINAL AGENCY ACTIONS**

NONE SINCE LAST PUBLICATION

**4. NOTICE OF ENFORCEMENT HEARINGS**

NONE SINCE LAST PUBLICATION

**D. CONSTRUCTION ACTIONS**

**1. Site Applications Reviews**

<u>APPLICANT</u>	<u>TYPE</u>	<u>FACILITY DESCRIPTION</u>	<u>COUNTY</u>	<u>ACTION</u>
City of Monte Vista – Veterans Center Wastewater Treatment Facility	Site Application Amendment #4051	Change existing organic treatment capacity to 5667 lb. BOD/day by reallocating existing oxygenation capacity	Rio Grande	Approved 03/30/2009
McCreek, LLC – McClelland’s Creek Lift Station	Site Application #5045	Lift station and force main. Design capacities 0.034 MGD Average Capacity, 0.14 MGD Peak Capacity	Larimer	Approved 03/30/2009
City of Fort Collins – Mulberry Water Reclamation Facility	Site Application #5046	Mechanical treatment plant to include conversion of secondary treatment process from trickling filter/activated sludge process to a 3-stage activated sludge process with anaerobic, anoxic, and aeration zones	Larimer	Approved 04/13/2009

## D. CONSTRUCTION ACTIONS (cont.)

### 2. Plans and Specifications Reviews

<u>APPLICANT</u>	<u>SITE APPLICATION</u>	<u>FACILITY DESCRIPTION</u>	<u>COUNTY</u>	<u>ACTION</u>
Town of Bayfield – Gem Village Wastewater Treatment Facility	No Site Approval Required	Interim improvements to include insulated shade pond covers, increased aeration, bacterial support baffling curtains, improved baffling in chlorine contact chamber	La Plata	Approved 03/19/2009
Town of Elizabeth – Gold Creek Wastewater Treatment Plant Expansion	Site Application #5037	Mechanical treatment plant (0.5 MGD, 1250 lb. BOD/day) to include new headworks, nitrifying activated sludge treatment trains, secondary clarifiers, UV disinfection and digesters for sludge stabilization and handling. Existing lagoons to be modified for emergency storage	Elbert	Approved 03/20/2009

## 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 and a draft certification determination. 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](mailto:john.hranac@state.co.us)), (303) 692-3586) or Christy Pickens ([christy.pickens@state.co.us](mailto:christy.pickens@state.co.us)), (303) 692-3584. The U.S. Army Corp of Engineers (COE) may also review 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.***

<u>APPLICANT</u>	<u>PERMIT #</u>	<u>ACTIVITY</u>	<u>COUNTY</u>	<u>WATERBODY</u>	<u>DETERMINATION</u>
#4219 City of Aurora/Side Creek	NWO-2009-151-DEN	Excavate and fill wetlands to repair channel and bank erosion	Arapahoe	Side Creek, South Platte River Basin, Segment COSPUS16h of Upper South Platte River Sub-basin	Temporary impacts to water quality only. The project is located on waters that are use protected. No further antidegradation review is required

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

### 1. PRELIMINARY DETERMINATION

<u>APPLICANT</u>	<u>PERMIT #</u>	<u>ACTIVITY</u>	<u>COUNTY</u>	<u>WATERBODY</u>	<u>DETERMINATION</u>
#4220 City of Littleton Public Services/Little's Creek	NWO-2009-282-DEN	Widen and improve channel flow	Arapahoe	Little's Creek, South Platte River Basin, Segment COSPUS16c of Upper South Platte River Sub-basin	Temporary impacts to water quality only. The project is located on waters that are use protected. No further antidegradation review is required
#4221 Southeast Metro Stormwater Authority	NWO-2009-286-DEN	Channel and bank erosion control and stabilization	Arapahoe	Big Dry Creek Tributary B, South Platte River Basin, Segment COSPUS16c of Upper South Platte River Sub-basin	Temporary impacts to water quality only. The project is located on waters that are use protected. No further antidegradation review is required
#4222 Urban Drainage and Flood Control District/Goldsmith Gulch	NWO-2009-605-DEN	Excavate and fill tributary and wetlands for channel and bank stabilization	Arapahoe	West Tributary of Goldsmith Gulch, South Platte River Basin, Segment COSPUS16c of Upper South Platte River Sub-basin	Potential long-term water quality impacts. The project is located on waters that are use protected. No further antidegradation review is required
#4223 Southeast Metro Stormwater Authority/Spring Creek	NWO-2008-3065-DEN	Excavate and fill to reduce erosion. Restoration of uplands and bank stabilization	Arapahoe	Spring Creek, South Platte River Basin, Segment COSPUS16c of Upper South Platte River Sub-basin	Potential long-term water quality impacts. The project is located on waters that are use protected. No further antidegradation review is required

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

<u>APPLICANT</u>	<u>PERMIT #</u>	<u>ACTIVITY</u>	<u>COUNTY</u>	<u>WATERBODY</u>	<u>CERTIFICATION</u>
#4199 El Paso County Department of Transportation / Bennett Ranch Channel	SPA-2007-00-134-SCO	Construction of a flood control channel in a perennial tributary of Black Squirrel Creek	El Paso	Unnamed tributary to Black Squirrel Creek, Arkansas River Basin, Seg. COARMA04c of Middle Arkansas River Sub-basin	Regular Certification

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

3. The following NPDES permit has been reviewed to make a proposed determination for certification in accordance with section 401 of the Federal Clean Water act. Public comment on this proposed determination will be received for thirty days following the date of publication of this newsletter. More information can be obtained from Nathan Moore ([nathan.moore@state.co.us](mailto:nathan.moore@state.co.us)), (303)692-3555.

<u>APPLICANT</u>	<u>PERMIT #</u>	<u>ACTIVITY</u>	<u>COUNTY</u>	<u>WATERBODY</u>	<u>DETERMINATION</u>
National Institute of Standards and Technology, U.S. Department of Commerce	CO-R042002	Separate Storm Sewer System (MS4)	Boulder	Various water bodies	Regular Certification

## F. OUTREACH AND PROJECT ASSISTANCE UNIT

### 1. LOAN APPLICATIONS RECEIVED

NONE SINCE LAST PUBLICATION

### 2. LOANS APPROVED BY CWRPDA

NONE SINCE LAST PUBLICATION

### 3. LOANS EXECUTED

NONE SINCE LAST PUBLICATION

### 4. STATE GRANT CONTRACTS EXECUTED

NONE SINCE LAST PUBLICATION

### 5. \$10,000 PLANNING AND/OR DESIGN GRANTS

NONE SINCE LAST PUBLICATION

### 6. WATER QUALITY IMPROVEMENT FUND

NONE SINCE LAST PUBLICATION

### 7. DRINKING WATER ELIGIBILITY ASSESSMENT

NONE SINCE LAST PUBLICATION

### 8. PUBLIC HEARING/PUBLIC MEETING

NONE SINCE LAST PUBLICATION

### 9. FINDING OF NO SIGNIFICANT IMPACT AND CATEGORICAL EXCLUSION DETERMINATIONS

NONE SINCE LAST PUBLICATION

### 10. CONSTRUCTION LOAN COMPLETIONS

NONE SINCE LAST PUBLICATION

## **G. TOTAL MAXIMUM DAILY LOADS SENT TO PUBLIC NOTICE ON MAY 1, 2009 COMMENTS DUE BY MAY 30, 2009**

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.

Arkansas River from Birdseye Gulch to California Gulch, COARUA02a; zinc

Comments will be accepted through May 30, 2009. 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/Assessment/Assessment\\_unit.html](http://www.cdphe.state.co.us/wq/Assessment/Assessment_unit.html).

### **SPECIAL NOTES**

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#### **WATER & WASTEWATER FACILITY OPERATORS CERTIFICATION BOARD VACANCY**

There are two upcoming vacancies on the Water and Wastewater Facility Operators Certification Board. The terms to be filled will be from July 1, 2009 through June 30, 2013. The Board meets at the Colorado Department of Public Health and Environment offices in Denver on the last Tuesday of each month (except in February, when the Board meets at the Colorado Rural Water conference in Colorado Springs).

Position #1 (Water and Domestic Wastewater Treatment): The requirements for this position are: (1) the appointee must hold a valid class "A" certification in water and/or domestic wastewater treatment, and (2) the appointee's primary job duties/experience must be in the fields of water and/or domestic wastewater treatment. The appointee may reside in any part of the state.

Position #2 (At Large): The requirement for this position is: (1) the appointee's primary job duties/experience must be in a field directly related to the operation of water and wastewater facilities. The appointee may reside in any part of the state. If you wish to apply for either of these Board positions, please review the [Governor's Boards and Commissions Website](#) and submit the application found there. Contact Paul Frohardt at the Board office at 303-692-3468 or Betsy Beaver at 303-692-3503 with any questions. Please submit your application to the Governor's Office by May 15, 2009.

### **SPECIAL NOTES**

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#### **NOTICE OF PUBLIC MEETING**

The Water Quality Control Division (WQCD) of the Colorado Department of Public Health and Environment has scheduled the following public meeting to hear comments from interested parties on its intent to issue the renewal of a surface-water discharge permit to Petroglyph Operating Company for the Rohr Coalbed Methane Operation in Huerfano County. This meeting is scheduled in anticipation of substantial public interest in the draft permit.

Date: June 11, 2009 (Thursday)  
Time: 6 - 8 pm  
Place: Walsenburg Community Center  
928 Russell Avenue

A copy of the draft permit CO0048020 is available at local health departments, can be accessed online at [www.cdphe.state.co.us/wq/PermitsUnit/publicnotice/publiccomment.html](http://www.cdphe.state.co.us/wq/PermitsUnit/publicnotice/publiccomment.html), or can be obtained by calling the WQCD at (303) 692-3517. The draft permit is included on Public Notice No. CO-04-09, published on April 24, 2009. The initial public notice period for this draft permit is extended; thus, written comments on the draft permit will be accepted until 5 p.m. on Tuesday, June 23, 2009.

Any parties who wish to make a formal presentation at the meeting must submit a written summary of their comments/concerns by May 29, 2009 to [Erin.Scott@state.co.us](mailto:Erin.Scott@state.co.us) (or at the address below). The amount of time available



to each presenter shall be determined by the WQCD.

If you have any questions about the public meeting, please contact:

Erin Scott (303-692-3506)  
Colorado Department of Public Health and Environment, WQCD-B2,  
4300 Cherry Creek Drive South,  
Denver, CO 80246-1530