



Colorado Department
of Public Health
and Environment

WATER QUALITY INFORMATION BULLETIN

Highlights For September 2010

➤ **Agenda: No September Commission Meeting**

<http://www.cdphe.state.co.us/op/wqcc/Meetings/Agenda/wqag.html>

Notice of Public Rulemaking Hearings before the Colorado Water Quality Control Commission

- Temporary Modifications
 - Classifications and Numeric Standards for Arkansas River Basin, Regulation #32 (5 CCR 1002-32)
 - Classifications and Numeric Standards for Upper Colorado River Basin and North Platte River (Planning Region 12, Regulation #33 (5 CCR 1002-33)
 - Classifications and Numeric Standards for San Juan River and Dolores River Basins, Regulation #34 (5 CCR 1002-34)
 - Classifications and Numeric Standards for Gunnison and Lower Dolores River Basins, Regulation #35 (5 CCR 1002-35)
 - Classifications and Numeric Standards for Rio Grande River Basin, Regulation #36 (5 CCR 1002-36)
 - Classifications and Numeric Standards for Lower Colorado River Basin, Regulation #37 (5 CCR 1002-37)
 - Classifications and Numeric Standards for South Platte River Basin, Laramie River Basin, Republican River Basin, Smoky hill River Basin, Regulation #38 (5 CCR 1002-38)
- <http://www.cdphe.state.co.us/op/wqcc/WQClassandStandards/DecTM/TM.html>
- Classifications and Numeric Standards for Lower Colorado River Basin, Regulation #37 (5 CCR 1002-37)
<http://www.cdphe.state.co.us/op/wqcc/WQClassandStandards/Regs33-37/Regs33-37.html>

➤ **Notice of Administrative Action Hearing**

- 2011 Financial Intended use Plans
<http://www.cdphe.state.co.us/op/wqcc/AAH/IUP/NoticeIUP2011AAH.pdf>

➤ **Notice of Issues Scoping Hearing**

- Classifications and Numeric Standards for San Juan River and Dolores River Basins, Regulation #34 (5 CCR 1002-34) and
- Classifications and Numeric Standards for Gunnison and Lower Dolores River Basins, Regulation #35 (5 CCR 1002-35)
<http://www.cdphe.state.co.us/op/wqcc/WQClassandStandards/Regs34-35/Regs34-35.html>

➤ **Notice of Public Comment Informational Hearing**

<http://www.cdphe.state.co.us/op/wqcc/IH/Other/OtherIH.html>

➤ **Notice of Final Adoption**

- Colorado Primary Drinking Water Regulations (5 CCR 1003-1),
- The Basic Standards and Methodologies for Surface Water, Regulation #31 (5 CCR 1002-31)
<http://www.cdphe.state.co.us/regulations/wqccregs/index.html>

➤ **Summary of Proceedings/Motions (DRAFT)**

Water Quality Control Commission Regular Meeting, August 9, 2010

<http://www.cdphe.state.co.us/op/wqcc/Meetings/meetingsummaries/1008SUM.pdf>

PUBLICATION DATE: September 3, 2010

A. PERMIT ACTIONS

1. PERMITS SENT TO PUBLIC NOTICE ON SEPTEMBER 19, 2010 – COMMENTS DUE BY OCTOBER 19, 2010

The website to view public notices and drafts:

<http://www.cdphe.state.co.us/wq/PermitsUnit/PUBLICNOTICE/publiccommentnewpage.html>

2. DISCHARGE PERMITS ISSUED – JULY 2010

<u>PERMITTEE</u>	<u>PERMIT NO.</u>	<u>COUNTY</u>	<u>DATE ISSUED</u>
Town of Collbran	CO-040487	Mesa	07/07/2010
Town of Cokedale	CO-048461	Las Animas	07/07/2010

(A) Denotes Amendment

3. GENERAL PERMIT CERTIFICATIONS – JULY 2010

<u>PERMITTEE</u>	<u>PERMIT NO.</u>	<u>COUNTY</u>	<u>DATE ISSUED</u>
BT Construction Inc	COG-073442	Larimer	07/02/2010
Duran Excavating	COG-073449	Adams	07/02/2010
Naranjo Civil Constructors	COG-073450	Douglas	07/02/2010
White Construction Group	COG-073451	Denver	07/02/2010
1155 Canyon Condominium Assoc	COG-603165	Boulder	07/06/2010
1155 Canyon Condominium Assoc	COG-603165	Boulder	07/06/2010
Phipps McCarthy	COG-073439	Arapahoe	07/16/2010
Coast to Coast Residential Development Inc	COG-073443	Boulder	07/16/2010
Lowry Redevelopment Authority	COG-073437	Denver	07/19/2010
Heather Bachman	COG-073436	San Miguel	07/20/2010
ExxonMobil Production Co	COG-073440	Rio Blanco	07/20/2010
Aslan Construction	COG-073444	Prowers	07/20/2010
Western Summit Constructors Inc	COG-073446	Larimer	07/20/2010
Edge Contracting Inc	COG-073447	Douglas	07/20/2010
PCL Construction	COG-073453	Boulder	07/20/2010
High Country Pipeline	COG-073454	El Paso	07/20/2010
Public Service Co of Colorado	COG-073445	Adams	07/22/2010
Fransen Pittman Construction Co	COG-073455	Boulder	07/22/2010
Public Service Co of Colorado	COG-073457	Boulder	07/22/2010
Shaw Construction	COG-073459	Mesa	07/22/2010
MA Concrete Construction Inc	COG-073460	Mesa	07/22/2010
American Civil Constructors Structures Inc	COG-073461	Grand	07/22/2010
Structures Inc	COG-073462	Adams	07/22/2010
Palisade Constructors Inc	COG-073463	Rio Blanco	07/22/2010
Hudick Excavating Inc	COG-073464	Douglas	07/22/2010
Safeway Inc	COG-315218	Larimer	07/22/2010
Hudick Excavating Inc	COG-073452	Arapahoe	07/23/2010
Milender White Construction Co	COG-315211	Boulder	07/30/2010

(A) Denotes Amendment

B. STORMWATER DISCHARGE GENERAL PERMIT CERTIFICATIONS – JULY 2010

COR-010000	Light Industrial Activities	1
COR-020000	Heavy Industrial Activities	0
COR-030000	Construction Activities	103
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	2
	No Exposure Certifications	1

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

C. ENFORCEMENT/CIVIL PENALTIES/CONSENT OF SETTLEMENT AGREEMENTS

Documents related to the below enforcement actions are available for public inspection at the Division. Copies of the below actions are available upon written request to the Division or, in some instances, may be obtained from the Divisions' Enforcement Action website: <http://www.cdphe.state.co.us/wq/enforcement/index.html>

1. ENFORCEMENT – NEW ACTION

<u>RESPONSIBLE PARTY</u>	<u>ACTION</u>	<u>COUNTY</u>	<u>DATE</u>
Hidden Valley Mutual Water Co	Drinking Water – Enforcement Order	Jefferson	07/26/2010
James Barber / Wishing Well Motel	Drinking Water – Amendment #1 to Enforcement Order	Teller	07/26/2010
Rosewood Hills Property and Homeowners Assoc	Drinking Water – Enforcement Order	Teller	07/29/2010
Xcel Energy Inc (Hayden Station)	Drinking Water – Amendment to Enforcement Order	Routt	08/13/2010
City of Colorado Springs	Stormwater – Amendment to Compliance Order on Consent (MC-061204-1)	El Paso	08/18/2010
City of Colorado Springs	Stormwater – Amendment to Compliance Order on Consent (MC-031211-1)	El Paso	08/18/2010

2. CONSENT OR SETTLEMENT AGREEMENTS TO PUBLIC NOTICE

<u>RESPONSIBLE PARTY</u>	<u>ACTION</u>	<u>COUNTY</u>	<u>DATE</u>
Shambhala International (Vajradhatu)	Municipal – Compliance Order on Consent	Larimer	08/25/2010

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>
Plum Creek Wastewater Authority	Site Application #4597 (ES.10.41964) Amendment	Capacity reduced from 7.3 MGD and 24,000 lbs. BOD per day to 4.87 MGD and 16,000 lbs. BOD per day	Douglas	Approved 08/06/2010
Metro Wastewater Reclamation Dist	Site Application #4726 (ES.10.41969) Amendment	36-inch diameter overflow conduit from the existing stormwater outfall pipe west of the existing Stormwater Pump Station to the Primary Effluent Transfer conduit, passive weir Primary Effluent system, and plugging the 36-inch diameter stormwater outfall pipe that currently discharges to the South Platte River	Adams	Approved 08/21/2010
Frisco Sanitation Dist	Site Application #4919 (ES.10.41787) Amendment	Addition of a closed vessel ultraviolet disinfection unit and addition of piping and valves to allow for pumping of effluent during a 100 year flood event in Miner's Creek. The change will allow the use of existing Advanced Waste Treatment (AWT) backwash pumps to pump effluent to the existing discharge point during a flood event	Summit	Approved 08/21/2010
Town of Nederland	Site Application #4972 (ES.10.41849) Amendment	Replacement of the originally-approved (but not constructed) anoxic basins, pre-aeration basins and membrane bioreactor basins with a two train Sequencing Batch Reactor (SBR) system and tertiary filters with chemical addition	Boulder	Approved 08/06/2010
Town of Red Cliff	Site Application #4977 (ES.10.42062) Amendment	Replacement of a comminutor in the Headworks building with an automatic, fine bar screen. Movement of the influent Parshall flume from the Headworks building to a packaged manhole downstream of the Headworks, prior to flow equalization	Eagle	Approved 08/16/2010
Peaceful Valley Ranch, Inc	Site Application #5038 (ES.10.41972) Amendment	Change the secondary treatment process from the 01/13/09-approved and not yet constructed, recirculating sand filter with recirculating pump system, and anoxic zone for tertiary treatment; installation of an effluent flowmeter; installation of a 30 KW standby generator	Boulder	Approved 08/21/2010
Town of Mancos	Site Application #5088 (ES.10.42072) Amendment	Organic Capacity rerating, increased from 417 lbs. BOD per day to 584 lbs. BOD per day	Montezuma	Approved 08/11/2010

D. CONSTRUCTION ACTIONS (cont.)

1. Site Applications Reviews

<u>APPLICANT</u>	<u>TYPE</u>	<u>FACILITY DESCRIPTION</u>	<u>COUNTY</u>	<u>ACTION</u>
Upper Blue Sanitation Dist – Blue River Lift Station	Site Application #ES.10.41841	Lift Station and Force Main. Design capacities 0.133 MGD Average Capacity, 0.288 MGD Peak Capacity	Summit	Approved 07/30/2010
WCFLP RE Wind River, LP	Site Application #ES.10.42034	Replace the Orival effluent filter with a Netafim effluent filter, reconfigure the existing UV disinfection units in series, add a sodium hypochlorite disinfection system and two contact tanks, add sodium bisulfate dechlorination system and a contact tank, add effluent reuse	Larimer	Approved 08/05/2010
Town of Keenesburg	Site Application #ES.10.41824	Current system replaced with a 3-step Advanced Integrated Pond System (AIPS) and a new chlorine contact chamber. Modification of existing Basin 2 to reduce its capacity and provide flow equalization for the intermediate lift station. New intermediate lift station. Expansion of existing aeration basins. New polishing pond. Expansion of existing disinfection system utilizing sodium hypochlorite	Weld	Approved 08/21/2010
Redstone Castle	Site Application #ES.10.41834	22,000 gallons of multi-chamber treatment tanks followed by Orenco Advantex packed bed filter (3) circulating treatment pods and UV disinfection	Pitkin	Approved 08/21/2010
Winter Park Ranch Water & Sanitation Dist– Lift Station	Site Application #ES.10.41798	Lift Station and Force Main. Design capacities 0.0063 MGD Average Capacity, 0.115 MGD Peak Capacity	Grand	Approved 08/21/2010

2. Plans and Specifications Reviews

<u>APPLICANT</u>	<u>SITE APPLICATION</u>	<u>FACILITY DESCRIPTION</u>	<u>COUNTY</u>	<u>ACTION</u>
Pagosa Springs Sanitation Dist	Site Application #4991	Mechanical screening, ICEAS batch reactor plant with BNR, decant EQ basin, sludge handling facility, and UV disinfection	Archuleta	Approved 07/26/2010

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>
City of Pueblo	Site Application #5071	Sections 2 & 3 to include decommissioning the trickling filter and associated screw pumps, and installation of five new blowers, four oxic reactor basins, a centrate flow equalization tank, two preanoxic reactor basins, two anaerobic reactor basins, two anoxic reactors basins, and renovation of the two dissolved air flotation thickeners	Pueblo	Approved 07/26/2010
WCFLP RE Wind River, LP	Site Application #ES.10.42034	Replace the Orival effluent filter with a Netafim effluent filter, reconfigure the existing UV disinfection units in series, add a sodium hypochlorite disinfection system and two contact tanks, add sodium bisulfate dechlorination system and a contact tank, add effluent reuse	Larimer	Approved 08/12/2010
City of Boulder – Fire Training Center Lift Station	Site Application #ES.10.41968	Lift Station and Force Main. Design capacities 0.015910 MGD Average Capacity, 0.063642 MGD Peak Capacity	Boulder	Approved 08/20/2010

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), (303) 692-3586) or Christy Pickens (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>
#4266 US Forest Service/Trout Creek Fish Barrier	SPK-2010-00946	To prevent the transmittal of whirling disease from Sheriff reservoir to a population of native Colorado River Cutthroat Trout	Rio Blanco	Trout Creek, Upper Colorado River Basin, Seg. COUCYA20a of Yampa River Sub-basin	Temporary impacts to water quality. Draft Conditional Certification

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

1. Preliminary Determination

APPLICANT	PERMIT #	ACTIVITY	COUNTY	WATERBODY	DETERMINATION
US Dept of Interior, Fish & Wildlife Service, Hotchkiss National Fish Hatchery	CO-000086	Discharge from cold water fish hatchery	Gunnison	Discharge to North Fork of the Gunnison River, Seg. CO	All effluent limits are technology based. Division is reviewing the need for water-quality-based limits and, since the segment is reviewable, antidegradation based limits before providing a written response

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>
#4245 Crystal Lakes Water and Sewer Assn	NWO-2003-80495	Proposing to enlarge the existing Lower Lone Pine Reservoir	Larimer	North Lone Pine Creek, and Lower Lone Pine Reservoir, South Platte River Basin, Seg. COSPCP09 and COSPCP18 of Cache Le Poudre River Sub-basin	Regular Certification
#4262 City of Longmont Public Works & Water Utilities Dept/Left Hand Creek	NWO-2009-2061-DEN	Channel improvements along creek in residential development	Boulder	Left Hand Creek, South Platte River Basin, Seg. COSPSV05 of St. Vrain River Sub-basin	Regular Certification
#4264 US General Services Admin – McIntyre Gulch	NWO-2010-307-DEN	Improvements are to raise the channel, stabilize the banks and ensure the integrity of two crossings	Jefferson	McIntyre Gulch, South Platte River Basin, Seg. COSPUS16c of Upper South Platte River Sub-basin	Regular with Special Conditional 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 (30) days following the date of publication of this newsletter. More information can be obtained from Nathan Moore (Nathan.moore@state.co.us, (303) 692-3555.*

<u>APPLICANT</u>	<u>EPA PERMIT #</u>	<u>ACTIVITY</u>	<u>COUNTY</u>	<u>WATERBODY</u>	<u>DETERMINATION</u>
460 th Space Wing	CO-R042003	MS4 Permit-Buckley Air Force Base	Arapahoe	East Tollgate Creek, Murphy Creek, Granby Ditch, and other associated waters of the United States various water bodies	Regular Certification

F. FINANCIAL SOLUTIONS UNIT

1. LOAN APPLICATIONS RECEIVED

NONE SINCE LAST PUBLICATION

2. LOANS APPROVED BY CWRPDA

<u>ENTITY</u>	<u>AMOUNT</u>	<u>PROJECT DESCRIPTION</u>	<u>COUNTY</u>	<u>DATE</u>
Divide MPC Metro Dist	\$139,580	The project consists of completing Well #5, which includes primary and secondary power, installation of controls and the remainder of the water tie-ins on Shannon Place. The 2009 DWRP ARRA 0% loan funded the first phase of the project, including the installation of transmission lines and drilling Well #5	Teller	08/25/2010
Town of Georgetown	\$900,000	The project consists of replacing the Town's existing deteriorated and unstable 1.5 million gallon storage tank with a new .05 million gallon tank, stabilize the tank's foundation and construct erosion control improvements	Clear Creek	08/25/2010
Town of Two Buttes	\$1,291,500	The project consists of constructing a new water treatment plant using cation exchange treatment technology, and included distribution line replacement and installation of a new water storage tank, water meters and associated valves and hydrants	Baca	08/25/2010
Town of Manassa	\$492,900	The project consists of installing disinfection systems within each of the Town's two ground water pump stations, construction of 1,980 lf of 24-inch diameter pipe to serve as a chlorine contact chamber, and installation of a backup power generator	Conejos	08/25/2010

F. FINANCIAL SOLUTIONS UNIT (cont.)

2. LOANS APPROVED BY CWRPDA

<u>ENTITY</u>	<u>AMOUNT</u>	<u>PROJECT DESCRIPTION</u>	<u>COUNTY</u>	<u>DATE</u>
BMR (Bell Mountain Ranch) Metro Dist	\$1,034,840	The project consists of the construction of a new well for system redundancy in the event the existing well shuts down	Douglas	08/25/2010
Town of Swink	\$633,000	The project consists of the installation of a new hydrous manganese oxide filtration (HMO) filters, new backwash pumps, new polymer feed system, process piping, valving and flow controls, and expansion of the existing treatment building	Otero	08/25/2010
Town of Alma	\$664,250	The project consists of replacing a 45-year old 6-inch and 8-inch asbestos clay water main intake line with 8-inch ductile iron piping	Park	08/25/2010
Cherry Hills Heights Water & Sanitation Dist	\$240,000	The project involves the excavation and replacement of approximately 469 lf. of sewer main pipeline. The sewer main connects into the existing Littleton/ Englewood wastewater treatment system	Arapahoe	08/25/2010
Town of Empire	\$500,000	The project consists of sanitary sewer system improvements including sliplining or replacement of 10-inch vitrified clay pipe, manhole repair, and replacement of the wastewater treatment plant's comminutor	Clear Creek	08/25/2010
Town of Olathe	\$620,000	The project consists of eliminating a non-permitted lagoon wastewater treatment facility within the Neal Subdivision and constructing a new 8-inch gravity sewer main, new lift station and a new 4-inch force main for conveyance of sewage from the lagoon site to the Town's wastewater treatment plant	Montrose	08/25/2010
Town of Eagle	\$1,288,966	The project will consist of rehabilitation of the downtown wastewater collection system	Eagle	08/25/2010
Town of Cheraw	\$405,000	The project consists of cleaning, reshaping, and lining the two existing cells with the installation of an influent flow monitoring vault with flow monitoring equipment	Otero	08/25/2010
Hi Land Acres Water & Sanitation Dist	\$1,500,000	The project consists of a lift station and lines to connect to the Todd Creek lift station, sewer line rehabilitation, and buy-in for Thornton and North Metro Wastewater Systems. If consolidation is not possible, the District will either modify or replace the existing lagoon system to meet upcoming permit conditions	Adams	08/25/2010
Redstone Water & Sanitation Dist	\$2,000,000	The project will consist of construction of a new 0.05 MGD wastewater treatment plant	Pitkin	08/25/2010

F. FINANCIAL SOLUTIONS UNIT (cont.)

2. LOANS APPROVED BY CWRPDA

<u>ENTITY</u>	<u>AMOUNT</u>	<u>PROJECT DESCRIPTION</u>	<u>COUNTY</u>	<u>DATE</u>
Mountain View Villages Water & Sanitation Dist	\$288,601	The project consists of decommissioning an out-of-compliance lagoon treatment system	Lake	08/25/2010
Boxelder Sanitation Dist	\$10,800,000	The project consists of planning, designing, and construction of a new 3 MGD mechanical treatment system to treat wastewater to more stringent effluent requirements	Larimer	08/25/2010
City of Brush	\$13,600,000	The wastewater treatment facility will be upgraded at the existing site. The selected treatment process consists of influent screening, grit removal, primary clarification, activated sludge with biological nutrient removal, secondary clarification and UV disinfection	Morgan	08/25/2010
Town of Granby	\$4,000,000	The project consists of replacing approximately two miles of gravity sewer line to replace two lift stations	Grand	08/25/2010

3. LOANS EXECUTED

<u>ENTITY</u>	<u>AMOUNT</u>	<u>PROJECT DESCRIPTION</u>	<u>COUNTY</u>	<u>DATE</u>
Town of Sawpit	\$100,000	The project consists of replacement of all water distribution piping, adding valving and air controls, and replacement of an existing underground water storage tank	San Miguel	08/03/2010
Town of Holly	\$103,392	The project consists of water main replacement, renovation of meter pit assemblies, and installation of new meters with touch read hardware	Prowers	08/17/2010
Cheyenne Wells Sanitation Dist #1	\$770,000	The project consists of lining cells #2 and #3, upgrading existing surface aerators, the installation of a modular cover for cell #3, improvements to the existing disinfection system, headwork improvements, and various safety and security upgrades at the plant	Cheyenne	08/17/2010

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

F. FINANCIAL SOLUTIONS UNIT (cont.)

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

<u>LOANEE</u>	<u>PROJECT DESCRIPTION</u>	<u>COUNTY</u>	<u>DATE</u>
Town of Granby	The proposed project is the construction of a sewer main that will consist of 15" PVC pipe for approximately 7,275 linear feet (lf) and 18" PVC pipe for approximately 8,540 lf	Grand	08/03/2010
Town of Lochbuie	The proposed project is the construction of an Influent Pump Station, Solids Processing Building, and Administration Building on the existing Wastewater Treatment Plant (WWTP) property	Weld	08/04/2010
Town of Alma	Replacement of the raw water transmission line between the primary diversion point at Buckskin Creek and the existing water treatment plant	Park	08/04/2010
Cherry Hills Heights Water & Sanitation Dist	The proposed project is the replacement of 4,100 linear feet of 8-inch PVC sewer main pipeline under East Floyd Avenue and Clayton Boulevard	Arapahoe	07/13/2010
Sunset Metro Dist	The Proposed project is the conversion of the existing lagoon system to an Accelerated Aerated Lagoon system that involves the construction of a new diversion box and 325,000 gallon SBR Aeration Basin; replace the liners in the existing cells, and associated appurtenances	El Paso	07/15/2010

10. CONSTRUCTION LOAN COMPLETIONS

NONE SINCE LAST PUBLICATION

G. TOTAL MAXIMUM DAILY LOADS SENT TO PUBLIC NOTICE

NONE SINCE LAST PUBLICATION

SPECIAL NOTES

POLICY 1 FINAL DRAFT

The Water Quality Control Division is soliciting comments from stakeholders and the general public regarding its proposed draft Policy 1. This policy sets out the directions for using policies involved with regulatory implementation, and establishes the framework for developing and implementing such policies. Please provide written comments by October 15, 2010 via email to comments.wqcd@state.co.us with the subject line "Policy 1 Comments." Thank you

Please see below for attachment

<p style="text-align: center;">Water Quality Control Division Implementation Policy</p> <p style="text-align: center;">Colorado Department Of Public Health And Environment</p>	<p>WQCD Policy Number: 1</p>
	<p>Statutory or Regulatory Citations: Colorado Administrative Procedures Act (APA), Article 4, Title 24 of the Colorado Revised Statutes. § 24-4-102(15), Colorado Revised Statutes (C.R.S.), 1998.</p>
	<p>Key Words: Policy Framework, Policy Lifecycle, Policy Template</p>
<p>TITLE:</p> <p>Implementation Policy Framework</p>	<p>Approved By:</p> <p>Steven H. Gunderson, Director Water Quality Control Division</p>
	<p>Approval Date:</p>
	<p>Effective Date:</p>
	<p>Scheduled Review Date:</p>

BACKGROUND

Colorado statutes that protect the public health and the environment authorize the Colorado Water Quality Control Commission and the Colorado Board of Health to promulgate regulations applicable to public water systems, wastewater dischargers, and bathing beach and swimming pool operators. These regulations are administered and enforced by the Water Quality Control Division (WQCD or Division) in compliance with Colorado law with the goal of protecting the public’s health and environment while achieving transparency, consistency, and efficiency in decision-making. These laws and regulations provide the Division some flexibility in interpreting and applying complex technical and regulatory requirements.

When it is necessary to interpret or determine the appropriate approach to exercising flexibility in the law or regulations while making case specific decisions, it is essential that the bounds and criteria applied to such decisions be known to affected parties. Division implementation policies provide affected parties with these bounds and criteria consistent with applicable Colorado statutes. Affected parties include the Division staff charged with decision making, the regulated community, and the public. Relevant and current policies improve the effectiveness of WQCD programs by improving consistency of regulatory implementation and providing materials to assist with staff training.

PURPOSE

This policy sets out the directions for using implementation policies and associated procedures, and establishes the framework for organizing, developing, coordinating, approving, implementing, and reviewing such policies and their associated procedures by the WQCD. Policies that are intended to apply to the Division as a whole (i.e., not directly related to laws and/or regulations implemented by a program) will be approved by the WQCD Director. The appropriate framework and associated elements

applicable to Division-wide policies will be determined by the WQCD Director. Policies that are directly related to laws and/or regulations implemented by a program will be approved by the appropriate program manager.

AUTHORITY

Colorado Administrative Procedures Act (APA), Article 4, Title 24 of the Colorado Revised Statutes (C.R.S.), (§ 24-4-102(15) C.R.S.), 1998.

DEFINITIONS

Proper and lawful implementation of WQCD administered regulations requires that all WQCD staff be conversant with the proper use of the laws, regulations and other documents that provide the legal structure for the implementation process. Appendix 1 provides definitions of the following terms: WQCD Program, Law, Regulation, Policy, Implementation Policy, Guidance, and Procedure.

It should be noted that there are numerous references that provide other definitions for the terms policy and procedure, but the definitions included in Appendix 1 evolve from the Colorado Administrative Procedures Act (APA), Article 4, Title 24 of the Colorado Revised Statutes § 24-4-102(15), C.R.S. The APA does not succinctly define the term policy but rather, defines “rules” as “the whole or part of every agency statement of general applicability and future effect implementing, interpreting, or declaring law or policy or setting forth the procedure or practice requirements of an agency.” Generally, all rules must go through the APA’s formal rulemaking process prior to adoption. However, the statutory provision which establishes the requirement for formal rulemaking, § 24-4-103(1), C.R.S., exempts from that procedure “interpretive rules or general statements of policy, which are not meant to be binding as rules...”. The APA does not define and Colorado courts have not provided significant guidance on the meaning of the terms “interpretive rules” or “general statements of policy” beyond the statement that they are not meant to be binding as rules. The Attorney General’s office advises that: “Several cases have indicated that a document operates as a rule and is subject to the formal rulemaking process where the document establishes a ‘binding norm’ governing agency action or where the document attempts to impose legal obligations upon agency employees or regulated persons. By contrast, a document that provides agency employees with general guidance but that maintains agency discretion in particular circumstances is a ‘general statement of policy’ that need not go through formal rulemaking.”

Like policies, procedures are binding on the agency and regulated persons if they are set forth in statutes or rules/regulations. Procedures which are not set forth in rules, but rather in internal policies or stand alone documents, are not binding, but nevertheless should be adhered to by the Program. Deviation from established procedures as set forth in internal agency policies without good cause has been viewed by courts as constituting evidence of “arbitrary and capricious” actions.

APPLICABILITY

This policy applies to all persons that organize, develop, coordinate, approve, implement or review implementation policies, or that implement WQCD administered regulations, including WQCD employees and contractors.

POLICY

1. Where WQCD administered regulations require interpretation or provide decision-making flexibility, WQCD Program Managers are to ensure implementation policies and their associated procedures (if applicable) are available to guide decision-making. Implementation policies are not binding regulations, and are not to be applied as such.

2. The framework provided herein and in the accompanying procedure, is to be followed for organizing, developing, coordinating, approving, implementing, and/or reviewing WQCD implementation policies and, if applicable, associated procedures. The framework consists of the following elements as depicted in Figure 1:

- Establish Framework
- Need Identification and Preliminary Evaluation
- Development and Initial Coordination
- Administrative Quality Assurance
- Formal Concurrence Review (Internal and Potentially External)
- Issue Resolution and Policy Approval
- Stakeholder coordination as directed by the Program Manager
- WQCC Coordination (as directed by WQCD Director and coordinated with the WQCC Administrator)
- Publication and Implementation
- Periodic and/or Triggered Review

3. Implementation Policy Framework Procedure 1 compliments this policy and is to be used to bring this policy to life. It provides a narrative description of the above elements, explains how the elements relate to the overall policy framework, and provides procedures and templates to be followed for developing, coordinating, publishing, approving and reviewing WQCD implementation policies. Of particular importance, the procedure details a policy coordination and approval path that provides an early opportunity for involvement by affected parties including stakeholders, consideration of issues affected parties may identify, and a defined process for issue resolution by the Program Manager in those instances where the coordination process fails to satisfy the issues identified by affected parties.

4. A WQCD implementation policy will be implemented on the assigned effective date after being signed by the applicable Program Manager(s). It remains in effect unless and until it is revised or abolished by the Program Manager(s).

5. Adopted implementation policies (and associated procedures if applicable) are to be indexed and published within the structure of the web pages maintained by the WQCD as soon after signature as possible, but not later than the policy's effective date. Implementation policies adopted pursuant to the Colorado Water Quality Control Act shall be provided to each Colorado state library.

6. When a situation arises where a policy (or its associated procedure) ostensibly should be applied, but its application is determined to not be appropriate, a decision to not be consistent with the policy (or procedure) may be made if all of the following conditions are met:

- After discussion with the Program Manager, a justification is prepared in writing and approved with the signature of the unit or section manager for the responsible work group;
- A copy of the written justification is filed in the regulated entity's official file and is accompanied by any associated written communication provided to the regulated entity; and,
- A copy of the written justification is provided to the Program Manager, and shall be available to staff.

7. If the implementation of a WQCD policy will involve staff from more than one program, section or unit within the WQCD, the Program Manager(s) shall decide whether an associated procedure must be developed that establishes roles and responsibilities of the affected groups. If it is necessary to develop such a procedure, all the affected groups must participate in its development.

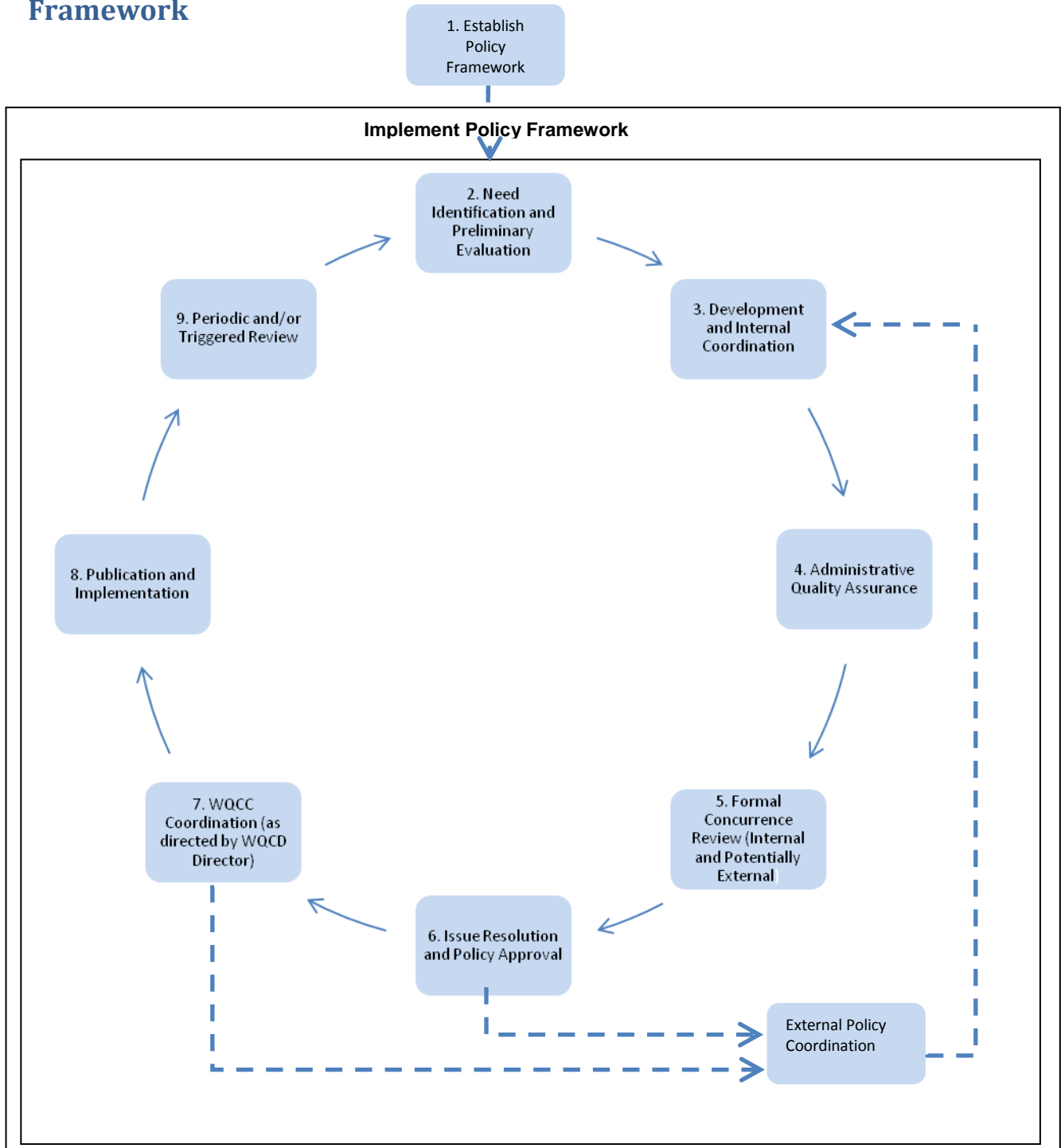
8. Procedures are intended to be internal documents that may or may not involve external coordination in their development or revision at the discretion of the Program Manager. Following initial publication, procedures may be revised separately from their associated policy with the approval of the Program Manager.

9. WQCD sections and units may develop and implement administrative procedures applicable solely within their sections and units provided such procedures supplement and do not conflict with WQCD implementation policies and are titled as section or unit procedures.

REFERENCES

1. Colorado Revised Statutes (C.R.S.) §24-4-103(1), (1998).
2. Victoria University of Wellington, Policy Documentation Development Information, November 2007.

Figure 1 – Conceptual Representation: WQCD Implementation Policy Framework



APPENDIX 1 - DEFINITIONS

General

All definitions provided herein are tailored to the specific requirements of Colorado Statute as it relates to use of “general statements of policy” and may not be consistent with definitions of such terms outside of this legal context.

WQCD Program

A WQCD “Program” means one of the four programs identified in the most current organizational chart. As of May 1, 2010, these include: Operations, Water Pollution Control, Safe Drinking Water and/or Watershed.

Law

“Law” means federal or state statutes such as the federal Safe Drinking Water Act, the Colorado Water Quality Control Act or Colorado Revised Statutes, Title 25, Article 1.5, Powers and Duties of the Department of Public Health and Environment, officially enacted by elected federal or state representatives and executives, and rules and regulations, as defined below, promulgated under the authority of such statutes.

Rule or Regulation

“Rule” and “regulation” are interchangeable terms and mean binding requirements officially promulgated by federal or state agencies within the authority of such agencies as provided by federal or state statute.

Policy

For the purposes of this WQCD implementation policy framework, the term “policy” means a “general statement of policy” that qualifies for the exemption to formal rulemaking under §24-4-103(1), C.R.S.(1998), and hence does not establish binding norms and preserves agency discretion in particular circumstances.

Implementation Policy

A policy that defines how the Division interprets law or regulations or determines the appropriate approach to exercising flexibility in the law or regulations while making case specific decisions where the underlying applicable law or regulation is ambiguous or provides the implementing program with discretion.

Procedure

Specific course of action for implementing a policy or regulation; the methodology for implementing a policy; that is, “how” regulations, policies, or program activities are to be carried out, and that qualifies for the exemption to formal rulemaking under §24-4-103(1). Procedures may be called “Business Rules” or “Regulatory Implementation Procedures.”

Guidance

Non-binding recommended practice intended to assist and guide actions of internal staff, regulated entities or the public. Guidance documents are used for encouraging action or educating a targeted audience. Guidance documents may also provide background information or supporting details regarding a statute, regulation or policy.