



Colorado Department  
of Public Health  
and Environment

# WATER QUALITY INFORMATION BULLETIN

## Highlights For August 2022

- **Agenda: August 8, 2022 - Annual Planning Work Session**  
<https://cdphe.colorado.gov/wqcc-meetings>
- **Notice of upcoming rulemaking hearing**
  - Nutrients Management Control Regulations and Lakes/Reservoirs Nutrient Criteria
  - Regulation #85: Nutrients Management Control Regulations (5 CCR 1002-85)
  - Regulation #31: The Basic Standards and Methodologies for Surface Water (5 CCR 1002-31)
  - Regulation #32: Arkansas River Basin (5 CCR 1002-32)
  - Regulation #33: Upper Colorado River Basin and North Platte River (Planning Region 12) (5 CCR 1002-33)
  - Regulation #34: San Juan River and Dolores River Basins (5 CCR 1002-34)
  - Regulation #35: Gunnison and Lower Dolores River Basins (5 CCR 1002-35)
  - Regulation #36: Rio Grand River Basin (5 CCR 1002-36)
  - Regulation #37: Lower Colorado River Basin (5 CCR 1002-37)
  - Regulation #38: South Platte River Basin, Laramie River Basin, Republican River Basin, Smoky Hill River Basin (5 CCR 1002-38)<https://cdphe.colorado.gov/wqcc-rulemaking-proceedings>

### SPECIAL NOTES

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- WQCD invites you to review and comment on draft action under the Clean Water Act and the Colorado Water Quality Control Act, for COR040000 General Permit for Stormwater Discharges from Active and Inactive Metal Mining Operations Please go to <https://cdphe.colorado.gov/water-quality-draft-permit-actions> to review and comment on draft actions.  
You usually have 30 days to make comments on the draft action but please check the exact deadline on the website. Comments may be emailed to the listed contact or mailed to CDPHE, WQCD-P-B2, 4300 Cherry Creek Drive South, Denver, Colorado 80246-1530.
- 303(d) Assessment Data Call for the Upper Colorado, North Platte, and Lower Colorado River Basins
  - **Due by September 1, 2022**
  - **Submit physical, biological, and chemical water quality data**
  - **Instructions are available:** <https://cdphe.colorado.gov/rivers-lakes-and-streams-data>
- For waters protected by antidegradation designations, the Water Quality Control Division can determine that allowing more degraded water quality is necessary to accommodate important economic or social development and then give a discharger a more lenient “alternative” antidegradation limit. This is also called an “Antidegradation Alternative Analysis.” WQCD is seeking public comment on draft guidance for submitting an application for an alternative antidegradation limit. [It can be found here](#). Please send comments to Christine Wehner by August 31, 2022 at [christine.wehner@state.co.us](mailto:christine.wehner@state.co.us). For more information on antidegradation, see <https://cdphe.colorado.gov/water-quality/clean-water/additional-protections-for-some-colorado-waters-antidegradation>

## SPECIAL NOTES - (cont.)

### ➤ Policy CW 15, Clean Water Civil Penalty Policy

The Water Quality Control Division noticed its intent to issue a revised Clean Water Civil Penalty Policy in April 2022. The Division received input from various stakeholders and made the following adjustments to the draft policy based on that input:

- Alternative Approach for Unpermitted Discharges when Site-Specific Discharge Data is Available - the percent increase for unpermitted discharge was reduced from 75% to 50%.
- Category 1 Fault - references to properly operating and maintaining the facility were removed and replaced with “violator could not *reasonably foresee or control* the circumstances leading to the violation.”
- Days of Violation - “or” was added to clarify that only one method of determining days of violation will be utilized for a particular violation.
- Minor editorial changes.

The revised Clean Water Civil Penalty Policy is effective July 1, 2022 and can be viewed here:

<https://cdphe.colorado.gov/clean-water-policies>

***PUBLICATION DATE: July 29, 2022***

## A. PERMIT ACTIONS

### 1. PERMITS SENT TO PUBLIC NOTICE ON 7/14/2022

**YOU USUALLY HAVE 30 DAYS TO MAKE COMMENTS ON THE DRAFT ACTION, BUT PLEASE CHECK THE EXACT DEADLINE ON THE WEBSITE.**

The website to view public notices and drafts:

<https://cdphe.colorado.gov/water-quality-draft-permit-actions>

### 2. GENERAL PERMIT CERTIFICATIONS - June 2022

To check that your permit contact information is correct, look up your permit number in this [list of all active clean water permits](#). If your contact information is incorrect, please change your contacts in CEOS (for certifications under general permits COR400000, COG080000, COG317000, COG318000, COG603000, COG608000) or fill out the "[change of contact form](#)", and send the signed form to [cdphe.wqrecordscenter@state.co.us](mailto:cdphe.wqrecordscenter@state.co.us).

PERMITTEE	PERMIT	COUNTY	ISSUED
Colorado Quarries Inc	COG-502202	Custer	06/01/2022
Asphalt Specialties Co Inc	COG-502204	Weld	06/01/2022
GLH Construction LLC	COG-080482	Larimer	06/06/2022
Iota Apartments Owner LLC	COG-317075	Denver	06/06/2022
Fillmore at Third LLLC	COG-317076	Denver	06/06/2022
Concrete Express Inc	COG-080483	Adams	06/08/2022
Owner	COG-080484	San Miguel	06/13/2022
Beck Building Company	COG-080485	Eagle	06/13/2022
Hensel Phelps	COG-317077	Larimer	06/13/2022
Integrated Water Services	COG-080486	Routt	06/17/2022
Bison Ridge Construction LLC	COG-080487	Larimer	06/17/2022
Zak Dirt	COG-080488	Arapahoe	06/23/2022
L and M Enterprises Inc	COG-080489	Arapahoe	06/23/2022
Hydro Resources - Rocky Mountain Inc	COG-608007	Douglas	06/23/2022
Sam's PW Inc	COG-317078	Jefferson	06/24/2022
Deneuve Construction	COG-080490	Routt	06/27/2022
HEI Civil	COG-080491	Elbert	06/27/2022
PCI Construction Inc	COG-604433	Adams	06/29/2022

## B. 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 most instances, may be obtained from the Divisions' Enforcement Action website: <https://www.colorado.gov/pacific/cdphe/wq-enforcement-actions>

### 1. ENFORCEMENT - NEW ACTION

RESPONSIBLE PARTY	ACTION	COUNTY	DATE
Great Western Operating Company LLC	Notice of Violation/ Order for Civil Penalty	Weld	07/11/2022
Town of Antonito	Domestic - Notice of Violation/ Cease and Desist Order	Conejos	07/18/2022

## C. CONSTRUCTION ACTIONS

### 1. Site Applications Reviews

APPLICANT	TYPE	FACILITY DESCRIPTION	COUNTY	ACTION
Gold Lake Ventures, LLC	WWTP Site application No. 4169 [ES.22.SA.06693]	Gold Lake Ventures Onsite Wastewater Treatment System De-rating	Boulder	Approved 06/27/2022
TrueNorth Commons Business Improvement District	Lift Station Site Application No. ES.22.SA.06848	TrueNorth Commons Lift Station	El Paso	Approved 06/27/2022
Town of Mancos	WWTP Site Application No. ES.22.SA.06806	Outfall Extension In-Kind Replacement Update	Montezuma	Approved 06/29/2022
South Fork Water and Sanitation District	Lift Station Site Application No. ES.21.SA.06447	Rio Grande RV Resort Park Lift Station	Rio Grande	Approved 07/07/2022
Town of Arriba	WWTP Site Application No. 4509 [ES.21.SA.06481]	Town of Arriba WWTP Headworks Improvements	Lincoln	Approved 07/14/2022
City of Rifle	WWTP Site Application No. 4931 [ES.22.SA.06838]	Rifle Regional Wastewater Reclamation Facility Copper Removal System	Garfield	Approved 07/19/2022
Left Hand Water and Sanitation District	Lift Station Site Application No. ES.21.SA.06236	Lake of Pines Lift Station	Boulder	Approved 07/19/2022

### 2. Plans and Specifications Reviews

APPLICANT	SITE APPLICATION	FACILITY DESCRIPTION	COUNTY	ACTION
Wiley Sanitation District	Site Application No. 0658 [ES.20.SA.05380]	Wiley Sanitation District WWTP Improvements PDR Approval ES.20.CWPDR.05381	Prowers	Approved 06/28/2022
Town of Crested Butte	Site Application No. ES.21.SA.06581	Town of Crested Butte WWTP Improvements PDR Approval ES.21.CWPDR.06582	Gunnison	Approved 06/28/2022
Mount Vernon Country Club Metropolitan District	Site Application No. ES.21.SA.06570	Mount Vernon Country Club WWTP Derating and Disinfection Improvements Self Certification Acceptance ES.22.CWFDR.06986	Jefferson	Approved 06/28/2022

## C. CONSTRUCTION ACTIONS

### 2. Plans and Specifications Reviews

APPLICANT	SITE APPLICATION	FACILITY DESCRIPTION	COUNTY	ACTION
Town of Collbran	Site Application No. 3603 [ES.21.SA.06002]	Valleywide Sewage System WWTP Disinfection System Chemical and Equipment Modification Final P/S Approval ES.22.CWFDR.06990	Mesa	Approved 06/29/2022
Two Rivers Village Metro District	Site Application No. 4513 [ES.21.SA.06076]	Two Rivers Metro District WWTP Headworks Expansion PDR Approval ES.21.CWPDR.06077	Eagle	Approved 07/06/2022
Crested Butte South Metropolitan District	Site Application No. 5028 [ES.21.SA.06529]	Crested Butte South MD WWTP Headworks Improvements and Capacity Increase PDR Approval ES.21.CWPDR.06530	Gunnison	Approved 07/06/2022
Town of Johnstown	Site Application No. 4689 [ES.20.SA.05539]	Low Point WWTP Expansion Self Certification Acceptance ES.22.CWFDR.07032	Larimer	Approved 07/12/2022
Left Hand Water and Sanitation District	Site Application No. ES.21.SA.06236	Lake of Pines Lift Station Improvements Final P/S Approval ES.21.CWPDR.06237	Boulder	Approved 07/19/2022
City of Aurora	Site Application No. ES.21.SA.06583	First Creek Interceptor Segments 1B, 1C, and 1D (Phase 1) Self Certification Acceptance ES.22.CWFDR.07038	Adams	Approved 07/19/2022
Town of Crested Butte	Site Application No. ES.21.SA.06581	Town of Crested Butte WWTP Improvements Updated PDR Approval ES.21.CWPDR.06582	Gunnison	Approved 07/21/2022

## D. 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 Scott Garncarz ([scott.garncarz@state.co.us](mailto:scott.garncarz@state.co.us)), (303) 692-2374. 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.

APPLICANT	PERMIT	ACTIVITY	COUNTY	WATERBODY	DETERMINATION
#4486 - Craig Baumgartner/Warehouse building	None yet	The proposed project is construction of a new 23,000 square foot industrial warehouse building.	Weld	South Platte River, South Platte River Basin, Seg. COSPMS01a of Middle South Platte River Sub-basin	DRAFT - 82.5(A)(2) Regular Certification

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

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.

APPLICANT	PERMIT	ACTIVITY	COUNTY	WATERBODY	CERTIFICATION
#4484 - City of Craig / Diversion Park	SPA-2022-00046	Replacement of a diversion dam, the construction of instream fish passage and navigational passage, and the construction of banks, many other projects.	Moffat	Yampa River, Lower Colorado Basin, Seg. COLCLY02 of Lower Yampa River Sub-basin	82.5(A)(3) Conditional Certification

## E. GRANTS AND LOANS UNIT

### 1. PRE-QUALIFICATION SUBMITTAL

ENTITY	AMOUNT	PROJECT DESCRIPTION	COUNTY	DATE
City of Englewood	\$70,000,000	This project will replace lead service lines throughout the distribution system.	Arapahoe	06/24/2022
Town of Fairplay	\$570,000	This project consists of adding treatment to the water treatment plant, upgrading instrumentation and controls, and rehabilitation to the infiltration gallery.	Park	06/29/2022
Town of Silt	\$30,000,000	This project consists of upgrading the existing WTP by addressing the capacity, turbidity, and iron and manganese issues.	Garfield	07/11/2022
Town of Cedaredge	\$1,900,000	The project consists of replacing the aging water main in the distribution system.	Delta	07/14/2022

### 2. PROJECT NEEDS ASSESSMENT SUBMITTAL

ENTITY	AMOUNT	PROJECT DESCRIPTION	COUNTY	DATE
Leadville Sanitation District	\$15,172,800	The project consists of improvements to the aeration basins, clarifiers, and solids processing and handling.	Lake	07/01/2022
Teller County Water and Sanitation District	\$700,000	This project consists of adding ion-exchange treatment for radium to the existing treatment plant.	Teller	07/15/2022