

HB17-1285

REFINANCE WATER POLLUTION CONTROL PROGRAM ACT

# ANNUAL REPORT

TO THE LEGISLATURE

# 2022

SUBMITTED  
MARCH 2023





## Foreword

I am pleased to submit the HB17-1285 - Refinance Water Pollution Control Program Act for the reporting period coinciding with federal fiscal year 21-22 (10/2021-9/2022). The legislation has specific requirements for the annual report:

- The number of permits processed.
- The number of applications pending for new and amended permits.
- The length of time the permits remain in the system prior to issuance.
- The number of inspections conducted.
- The number of site application and design reviews completed.
- The number of enforcement actions taken.
- The costs associated with each sector.
- The number of full-time equivalents assigned to and actively processing permits.
- The number of full-time equivalents assigned to and actively conducting inspections.
- The number of full-time equivalents assigned to and actively conducting site application and design reviews.
- The number of full-time equivalents assigned to and actively conducting enforcement actions.
- The number of full-time equivalents assigned to and actively developing rules and standards.
- The department shall inform the committees regarding all new standards and rules to be proposed within the subsequent year.

The department is required to submit an annual report on or before March 31st of each year. In 2017, the department developed baseline information for reporting. For this report and subsequent reports, the department is required to provide information on improvements that have been made in comparison to the baseline and to discuss barriers to making improvements. While not required, the division is committed to furthering environmental justice and health equity priorities through the thoughtful administration of its programs and effective community engagement. Outreach regarding this year's report is planned for May 2023.

The annual report is provided to the following committees:

- Senate [Agriculture & Natural Resources Committee](#).
- House of Representatives [Energy & Environment Committee](#).
- House of Representatives [Agriculture, Livestock, & Water Committee](#).



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March 31, 2023

# Table of Contents

<b>Foreword</b>	<b>2</b>
<b>Table of Contents</b>	<b>3</b>
<b>Executive Summary</b>	<b>5</b>
<b>Section 1 Overview of Clean Water Program</b>	<b>8</b>
Water quality management in Colorado	8
Work areas and organization	9
Figure 1 Organization chart for the Water Quality Control Division highlighting Clean Water Program work areas	9
<b>Section 2 Baseline year and reporting period</b>	<b>9</b>
<b>Section 3 Staffing summary</b>	<b>10</b>
Table 1 Summary of full-time equivalents for HB17-1285 reporting requirements and permitting sector	10
<b>Section 4 Clean Water Program finances</b>	<b>12</b>
<b>Section 5 Goal setting: Standards</b>	<b>12</b>
5.1 Comparison of Colorado and EPA water quality criteria	12
Table 2 Comparison of Colorado's and EPA's water quality criteria	13
5.2 Standards modified based on site-specific factors	15
Table 3 Number of temporary modifications, variances and site-specific standards across the state	15
Table 4 Number of segments with temporary modifications, variances, and site-specific standards across the state	18
5.3 Upcoming standards rulemakings	20
<b>Section 6 Protection and restoration: permits</b>	<b>20</b>
Figure 2 Number of individual permits issued/reissued by sector	21
Figure 3 Number of issued/reissued general permit certifications by sector	22
Figure 4 Number of individual permit modifications by sector	23
Figure 5 Number of general permit certification modifications by sector	23
Figure 6 Number of individual permits administratively continued by sector	24
Figure 7 Number of general permit certifications administratively continued by sector	24
Figure 8 Percentage of permits backlogged by permit type	26
Figure 9 Percentage of permits backlogged by sector	27
Table 5 Range of time permits have been backlogged by permit type	27
Table 6 Range of time permits have been backlogged by permit sector	28

Table 7 Average amount of time permits have been backlogged by permit type	29
Table 8 Average of time permits have been backlogged by permit sector	29
Table 9 Average processing time (days) for modifications and issued certifications and permits	30
<b>Section 7 Protection and restoration: Engineering</b>	<b>31</b>
Table 10 Annual output related to site location and design review applications	32
<b>Section 8 Assurance: Inspections</b>	<b>32</b>
Table 12 Number of compliance oversight inspections completed by sector	34
<b>Section 9 Assurance: Enforcement</b>	<b>36</b>
Table 13 Total occurrences of delinquent or deficient DMR violations	36
Table 14 Number of facilities with effluent violations by sector	37
Tables 15 Number of facilities that had compliance advisories issued	37
Table 16 Number of enforcement actions issued including amendments to existing orders	39
<b>Section 10 Conclusions</b>	<b>39</b>
10.1 Comparisons to baseline information	39
Table 17: Comparison of HB17-1285 requirements for all reporting years compared to the baseline year	41
10.2 Barriers to program improvements	41
<b>Appendix A Program finances</b>	<b>43</b>
<b>Appendix B Permit modifications</b>	<b>46</b>
<b>Appendix C Permit backlog detail</b>	<b>61</b>

## Executive Summary

The Colorado Department of Public Health and Environment's (department) Water Quality Control Division (division) implements the federal Clean Water Act and the Colorado Water Quality Control Act. These acts focus on water quality protection and the restoration of Colorado's streams, rivers, lakes, reservoirs, and groundwater. During the 2017 legislative session, the department secured funding for the Clean Water Program (program) through 2022 via HB17-1285. This bill established new fee increases (effective July 2018) as well as the mix between general and cash funds that each clean water sector (established in 2015) will receive in the future.

The following is an overview of notable improvements to service, production, and processes that the division has implemented since the baseline year:

- HB17-1285 provided the commerce and industry sector, MS4 sectors, and public and private utilities sectors funding to maintain program services. The funding allowed the division to backfill positions that were held vacant for budget-balancing purposes. Staff levels have fluctuated during the reporting periods due to attrition that is commensurate with historic rates at the division. In comparison to the baseline year, the division has increased staffing levels by 3.2 full-time equivalents or 8 percent.
- The number of inspections completed annually has consistently exceeded the baseline year. There was a slight decrease in total number of inspections in the construction sector in 10/2021-9/2022 compared to the prior two years as the division has shifted back to conducting more full compliance inspection and fewer reconnaissance inspections that utilize less staff time to conduct and document.
- In general, the number of permit actions completed has exceeded the baseline year but varies significantly from year to year based on the specific permits and sectors addressed, and the types of actions taken during that year. There was a decrease in the types of actions completed in 10/2021-9/2022. Although, the number of general permits modifications significantly exceeded the baseline year as a result of increased modification in the construction sector. Several complex permit renewals and modifications were in progress this reporting year (e.g. Suncor permit renewal) that required significant resources.
- There has been a significant decrease in the amount of time it takes to issue and modify construction sector general permits since the baseline year. Improvements were a result of additional resources from HB15-1249 that focused on construction sector improvements and improved processes and technology. The time required to issue construction sector permit modifications increased in 10/2020-9/2021 and in 10/2021-9/2022. This increase was associated with renewing several complex general permits for groundwater remediation and does not reflect an increase across other types of permits.
- Permit timeliness has increased over the baseline year as the division has reduced the total number of permits backlogged in comparison to the baseline year. However, the backlog has continued to grow in the public and private utility and the commerce and industry sectors as the division's current resources are not sufficient to meet the needs for permit renewals. The division did obtain additional spending authority in 2022 that is projected to allow the division to maintain the current backlog, however, this will still not be sufficient to allow the backlog to be reduced and to meet new EPA backlog targets discussed in Section 6 of this report.
- Enforcement actions continued to be increased from the baseline year due to process improvements and a strategy of issuing actions earlier before the severity has had a chance to escalate. Although there was a decrease in the total number of enforcement actions issued in 10/2021-9/2022 from previous years, the number was similar to the baseline year (48 actions compared to 52 in the baseline year).

**Program staffing levels:** The program has completed hiring related to HB17-1285, consistent with the legislative intent of HB17-1285, which states that "the department's use of funding provided in this act should be limited to

processing permits, providing technical and compliance assistance, processing site application and design reviews, and maintaining stakeholder involvement for all aspects of the clean water program.” The pace of hiring replacements increased in 2022, and there was a lower than normal amount of departures of staff supporting the core work addressed in this report. Vacancies that did occur were due to normal attrition.

**Standards:** The program is responsible for developing the science used by the Water Quality Control Commission (commission) to help establish water quality goals or “standards.” The commission sets statewide water quality standards to protect Colorado’s water for uses such as drinking water, agricultural uses, recreational uses like swimming and boating, and for aquatic life. The federal Clean Water Act and the Colorado Water Quality Control Act allow statewide standards to be modified based on site-specific factors. Program staff support the commission for all standards hearings. The level of standards development has been consistent throughout reporting years.

**Permits:** The federal Clean Water Act and the Colorado Water Quality Control Act prohibit the discharge of pollutants to state waters unless certain conditions are met. The program works to issue and manage permits for entities requesting to discharge pollutants to state waters. There has generally been an increase in the number of permit actions and timeliness since the baseline as a result of efforts to implement process improvement and efficiencies. Overall production of permit actions does vary significantly from year to year for specific sectors and types of actions. There was a decrease in the number of actions completed in 10/2021-9/2022 for all types of action except general permit modifications. Training of new staff, and a focus on general permit certification renewals contributed to a reduction in individual permit output. In addition, several complex permit renewals and modifications were in progress during the reporting year, such as the Suncor permit renewal, that required significant resources.

**Engineering:** The program provides engineering review, compliance assistance, and technical assistance for domestic wastewater treatment facilities. This is achieved through area-wide wastewater facility planning, facility site approval, engineering plan review, compliance assistance, and comprehensive performance evaluation and construction inspections for facilities funded through the State Revolving Fund Program. The amount of site approvals and design reviews completed is consistent across reporting years.

**Inspections:** Field inspections are a key component of the program’s compliance assurance efforts. The program is responsible for conducting inspections of facilities subject to the federal Clean Water Act and Colorado Water Quality Control Act requirements. The number of inspections increased when compared to the baseline year and has been relatively consistent in subsequent reporting years. Due to funding constraints, the number of inspections completed for all sectors except the construction sector continues to not meet U.S. Environmental Protection Agency (EPA) national targets. For the construction sector, there has been variability over the last three years in the total number of inspections as the division has increased its use of reconnaissance inspections, which are less resource intensive to conduct and document. This shift reflects a change in strategy and not a change in the level of oversight.

**Enforcement:** The program is responsible for ensuring that the regulated community complies with the requirements of the Colorado Water Quality Control Act and its implementing regulations. Enforcement efforts can be placed into three broad categories: compliance assistance, informal compliance assurance, and formal enforcement activities. There was a decrease in the total number of enforcement actions issued in 10/2021-9/2022. However, this reduction does not represent a change in strategy or reduction in the overall need for enforcement to address noncompliance and instead is indicative of the variability in the effort and timeline for enforcement depending on the nature of violations and the nature and scope of actions being performed.

**Program finances:** Appendix A provides financial information for state fiscal year 2021-22 and FY 2022-23. Program finances are on track with the spending plan that was established with the passage of HB17-1285, yet the program continues to struggle to properly resource its needs since it does not have the ability to adjust fees.

As discussed above, the program has made process improvements. Yet the efficiencies gained are not enough to achieve the needed actions in several areas, including meeting compliance oversight targets, providing essential assistance and coaching, addressing permitting timeliness and backlog, and providing support for environmental justice efforts. The following barriers exist to realizing increased production and services:

- **Compliance oversight:** The EPA establishes inspection targets in accordance with EPA's 2014 Clean Water National Pollutant Discharge Elimination Compliance Monitoring Strategy. This strategy covers all of the division's compliance work except for reclaimed water and biosolids. Targets for those activities are established by the division consistent with the national strategy. The division was not able to meet oversight targets for any of the sectors in the 10/2021-9/2022 reporting year.

In 2022, additional spending authority was granted to the division to add two additional inspectors for the construction sector to address a significant increase in the number of active permits for that sector. The division currently plans to hire these positions in early 2023. Once these positions are on-boarded and trained, the division expects to be able to meet the EPA construction oversight targets beginning in inspection year 10/2023-9/2024.

The most substantial gaps between the oversight targets and the level of oversight provided for the remaining sectors are for the MS4 sector and the commerce and industry sector. In 2022, the division also received increased spending authority to hire an additional inspector for the public and private utility sector. This additional resource will allow for an increase in inspections conducted for that sector. However, this additional inspection resource will not be adequate to allow for the EPA inspection targets to be met. The division will continue to not be able to meet oversight goals and needs for all sectors except the construction sector until additional resources are obtained.

- **Compliance assistance and coaching:** In-person inspections and coaching is the main tool for providing compliance assistance. As described above, the division does not meet current inspection goals and cannot redirect resources to provide assistance. Examples of compliance assistance that would be helpful to regulated entities:
  - guidance on practice-based permit conditions for the MS4 sector.
  - technical support for monitoring and limiting contaminants of emerging concern.
  - proactive compliance coaching for disadvantaged or low-population domestic wastewater systems.
- **Permit timeliness:** The department's October 1, 2021, Performance Partnership Agreement (PPA) with EPA required that backlog be maintained at less than 25 percent for this reporting year. If the backlog exceeded 35 percent, the EPA would have required the division to develop additional measures and to develop and implement a backlog reduction plan. The backlog goal is measured across all permits and the division has 9,528 permits in effect. As of September 30, 2022, 76% are current and 24% are backlogged. However, starting October 1, 2022, EPA changed the way backlogs are measured and excluded the construction stormwater general permit from the backlog goals. The construction stormwater general permit covers 6,473 (68%) of permitted discharges. With this new measurement, only 26% of permits are current and 74% are backlogged. Therefore, the state is not meeting EPA's current goal that Colorado should maintain at least 75% of permits as current. The division is working to reduce its backlog by increasing the on-time renewal of general permits that cover a large number of permit holders. It also tries to move those with individual permits to general permits when possible. While these efforts help, the division will need significantly more resources in order to meet the new EPA goal. If the division fails to meet this time goal, the EPA will require the division to develop and implement a backlog reduction plan. The division currently anticipates that a backlog reduction plan will be required in 2028, which will require the diversion of resources from other important work that could include compliance assistance and general permit certification issuance.

- **Support for environmental justice efforts:** The division anticipates that support for environmental justice efforts will increase in the future and that while some of these activities will be included in current work processes additional resources will likely be needed to increase engagement with disproportionately impacted communities in the future. The division received one full-time employee under HB22-1322 to support outreach during water quality control commission rulemakings. This position will be hired in 2023.



## Section 1 Overview of Clean Water Program

The Colorado Department of Public Health and Environment's (department) Water Quality Control Division (division) and Clean Water Program (program) implement the federal Clean Water Act and the Colorado Water Quality Control Act. These acts focus on water quality protection and the restoration of Colorado's streams, rivers, lakes, reservoirs, and groundwater. In addition, the Colorado Water Quality Control Act focuses on the protection of human health associated with the use of reclaimed domestic wastewater and graywater. The program regulates more than 9,000 permitted facilities under discharge permits and more than 1,500 additional facilities and activities under control regulations for reclaimed water and biosolids. Examples of regulated entities include commercial and industrial facilities, mines, construction sites, municipal areas, and domestic wastewater treatment facilities. In addition to regulating these "point sources" of pollution, the program works with stakeholders across the state to address pollution sources that are not regulated, such as water runoff from agricultural areas, abandoned mines, and forested areas. These sources of pollution are called "nonpoint sources." The program manages the water quality of these point and nonpoint sources using a continuing planning process.

### Water quality management in Colorado

There are five pillars to the continuing planning approach for water quality management: information gathering, goal setting, protection and restoration, assurance and assistance.

**Information gathering:** The program gathers scientific data and information that is used to determine the health of Colorado waters. This information is used for all parts of the continuing planning process and to ensure that water quality is protected for use by people, agriculture, and aquatic life. The program also develops information on the status of Colorado's streams and lakes and the compliance status of permittees. This information is available through U.S. Environmental Protection Agency (EPA) databases.

**Goal setting:** The program develops and presents scientific evidence to the Water Quality Control Commission (commission) so it can establish water quality goals to protect Colorado's water for drinking water, agricultural uses, recreational uses such as swimming and boating, and aquatic life.

**Protection and restoration:** The program issues permits to entities that discharge pollution to Colorado waters. Permit requirements meet goals established by the Water Quality Control Commission and ensure pollutant discharges comply with the statutes and rules set by the commission. The program also identifies areas across the state that are not achieving the commission's water quality goals and develops restoration plans for these waters. The program reviews site location and design for wastewater infrastructure across the state. Program staff also respond to spills and other environmental releases to Colorado waters. Finally, the program certifies that federal permits and licenses are protective of Colorado's water quality goals.

**Assurance:** The program conducts oversight on the permits it issues. Oversight consists of onsite facility inspections and the evaluation of self-reported data required by the permit. Based on this oversight and the severity of non-compliance with regulations, the program can issue compliance advisories, notices of violation, cease and desist orders, and/or penalties.

**Assistance:** The program provides assistance for all four pillars described above. Domestic and stormwater facilities that are required to make infrastructure improvements to protect streams and lakes are eligible for

Information gathering

Goal setting

Protection and restoration

Assurance

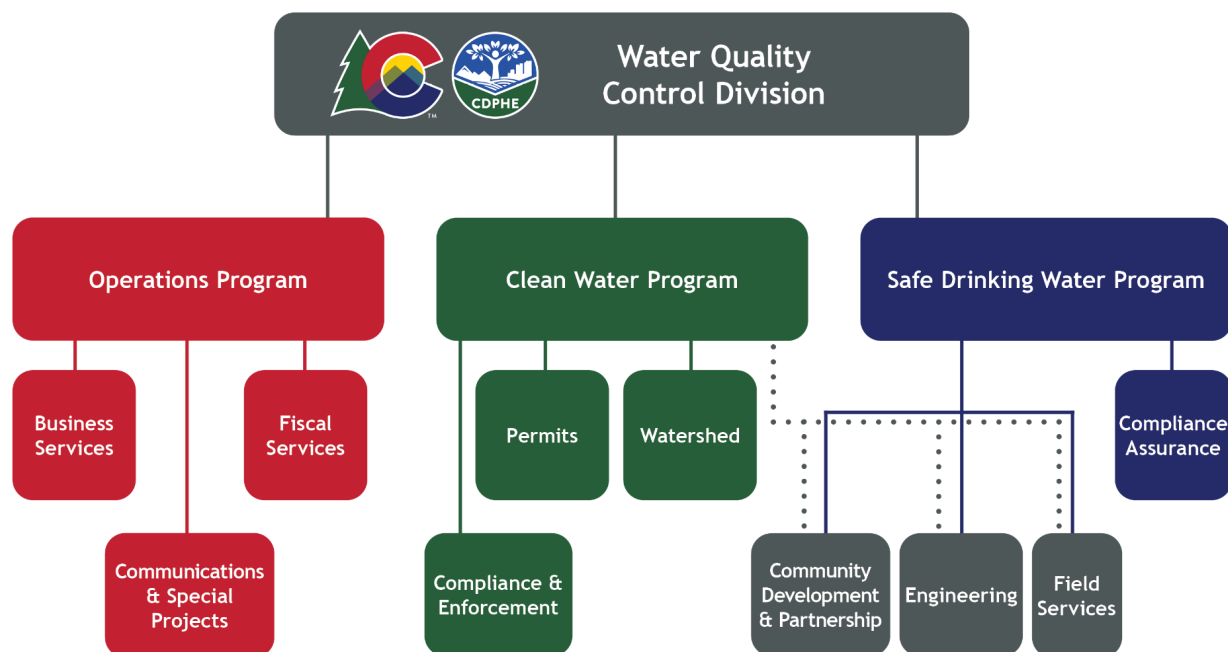
Assistance

subsidized financing and possibly grants. The program issues federal grants for regional water quality planning and when nonpoint sources contribute to a water body not meeting its water quality goals. To help people and entities understand and comply with regulatory requirements, the program provides compliance assistance via telephone, email, guidance documents, and training. In addition, the program provides technical assistance to point source and nonpoint source dischargers. This technical assistance includes information on the technical and economic feasibility of treatment options and guidance on technical aspects of the commission's water quality goal-setting process.

## Work areas and organization

The work to support water quality management processes is divided across multiple groups in the division, including several sections that are shared between the Clean Water and Safe Drinking Water Programs (gray in the figure below). The only shared work area without a standalone summary section in this report is the Community Development and Partnership Section. This section works with regulated entities to provide funding to implement water pollution control infrastructure projects to meet the goals of the federal Clean Water Act and the Colorado Water Quality Control Act.

**Figure 1 Organization chart for the Water Quality Control Division highlighting Clean Water Program work areas**



## Section 2 Baseline year and reporting period

The established baseline is important for measuring the program's success moving forward. Thus, a baseline year of October 1, 2016, through September 30, 2017, was established during the first HB17-1285 report, submitted in March 2018. This baseline was selected because the program develops work plans based on the federal fiscal year, which runs from October through September. In addition, this timeframe was indicative of the program's resources as it began to restore staffing levels based on funding provided by HB17-1285, which is important for comparing results from this reporting year and future years' results.

## Section 3 Staffing summary

HB17-1285 requires that the program summarize:

- The number of full-time equivalents assigned to and actively processing permits.
- The number of full-time equivalents assigned to and actively conducting inspections.
- The number of full-time equivalents assigned to and actively conducting site application and design reviews.
- The number of full-time equivalents assigned to and actively conducting enforcement actions.
- The number of full-time equivalents assigned to and actively developing rules and standards.

Table 1 below summarizes these reporting requirements by permitting sector. The permitting sectors include commerce and industry, construction, municipal separate storm sewer systems (MS4), pesticides, and public and private utilities. Staffing levels were fairly consistent between the sectors when comparing the baseline year and the 10/2017-9/2018 reporting except for the commerce and industry sector, MS4 sector, and public and private utilities sector. These sectors received funding as part of HB17-1285 to maintain program services. The program held vacancies prior to the passage of HB17-1285 but began to fill these vacancies prior to the 10/2017-9/2018 reporting year. Staffing levels for the reporting years after 10/2018 have included vacancies due to attrition that is commensurate with historical rates at the division. The pace of hiring replacements increased in 2022, and there was a lower-than-normal amount of departures in the staff tracked in Table 1. This resulted in a slight increase in overall FTE in 10/2021-9/2022 from previous years. HB17-1285's legislative declaration stated that "the department's use of funding provided in this act should be limited to processing permits, providing technical and compliance assistance, processing site application and design reviews, and maintaining stakeholder involvement for all aspects of the clean water program." Table 1 shows that the increase in staffing levels is consistent with the legislative declaration.

**Table 1 Summary of full-time equivalents for HB17-1285 reporting requirements and permitting sector**

Reporting year	Enforcement	Engineering	Inspections	Permits	Standards	Total
<b>Commerce and Industry</b>						
10/2016-9/2017	1.5	0.1	2	5.3	2.4	11.3
10/2017-9/2018	1.8	0.0	1.7	5.7	3.0	12.2
10/2018-9/2019	1.4	0.0	1.5	4.0	3.5	10.4
10/2019-9/2020	1.9	0.1	1.5	4.3	2.2	10.0
10/2020-9/2021	1.9	0.1	1.5	5.0	2.0	10.5
10/2021-9/2022	1.9	0.1	1.7	5	2.2	10.9
<b>Construction</b>						
10/2016-9/2017	1.9	0.0	8.8	2.3	0.0	13.0
10/2017-9/2018	1.3	0.0	8.6	2.5	0.0	12.4
10/2018-9/2019	2.2	0.0	8.1	2.2	0.0	12.5
10/2019-9/2020	1.5	0.0	7.4	2.9	0.1	11.9

Reporting year	Enforcement	Engineering	Inspections	Permits	Standards	Total
10/2020-9/2021	1.3	0.0	7.9	2.2	0.1	11.5
10/2021-9/2022	1.5	0.0	7.8	2.9	0.1	12.3
<b>Municipal Separate Storm Sewer Systems</b>						
10/2016-9/2017	0.0	0.0	0.2	0.3	0.0	0.5
10/2017-9/2018	0.0	0.0	0.1	0.8	0.0	0.9
10/2018-9/2019	0.0	0.0	0.1	1.0	0.0	1.1
10/2019-9/2020	0.0	0.0	0.1	1.0	0.0	1.1
10/2020-9/2021	0.0	0.0	0.1	1.0	0.0	1.1
10/2021-9/2022	0.0	0.0	0.1	0.9	0.0	1.0
<b>Pesticides</b>						
10/2016-9/2017	0.0	0.0	0.7	0.0	0.0	0.7
10/2017-9/2018	0.0	0.0	1.0	0.0	0.0	1.0
10/2018-9/2019	0.0	0.0	1.0	0.0	0.0	1.0
10/2019-9/2020	0.0	0.0	1.0	0.0	0.0	1.0
10/2020-9/2021	0.0	0.0	1.0	0.0	0.0	1.0
10/2021-9/2022	0.0	0.0	1.0	0.0	0.0	1.0
<b>Public and Private Utilities</b>						
10/2016-9/2017	2.6	3.8	2.9	3.1	3.6	16.0
10/2017-9/2018	2.9	3.9	3.2	6.0	3.0	19.0
10/2018-9/2019	2.4	3.9	3.9	6.8	2.5	19.5
10/2019-9/2020	2.3	3.7	2.8	6.0	3.7	18.6
10/2020-9/2021	1.8	4.2	3.5	6.2	3.6	19.3
10/2021-9/2022	1.8	3.7	3.9	6.4	3.7	19.5
<b>Total</b>						
10/2016-9/2017	6.0	3.9	14.6	11.0	6.0	41.5
10/2017-9/2018	6.0	3.9	14.6	15.0	6.0	45.5
10/2018-9/2019	6.0	3.9	14.6	14.0	6.0	44.5
10/2019-9/2020	5.7	3.8	12.8	14.2	6.0	42.6



Reporting year	Enforcement	Engineering	Inspections	Permits	Standards	Total
10/2020-9/2021	5.0	4.3	14.0	14.4	5.7	43.4
10/2021-9/2022	5.2	3.8	14.5	15.2	6.0	44.7

## Section 4 Clean Water Program finances

The Colorado General Assembly requires the program to report costs associated with the clean water sectors on an annual basis. This cost information includes the total costs of the program including personnel services, administrative services, benefits, and indirect costs. This reporting was the basis for HB17-1285 and should provide the basis for future fee bills. Appendix A provides this financial information for state fiscal year 2021-22 and for the first two quarters of state fiscal year 2022-23.

## Section 5 Goal setting: Standards

The Watershed Section works with partners to develop scientific and technological information to help improve, restore, and protect the quality of surface water and groundwater throughout the state. This is achieved through monitoring and assessment that identifies impaired waters that require restoration. The Watershed Section is responsible for developing the science utilized by the commission to help establish water quality goals, or "standards." The commission sets water quality standards to protect Colorado's water for uses such as drinking water, agricultural uses, recreational uses like swimming and boating, and aquatic life. In addition, the section provides planning, technical, and financial support focused on restoration and protection. The section also certifies that federal permits and licenses (i.e. water supply projects) comply with state water quality requirements.

### 5.1 Comparison of Colorado and EPA water quality criteria

Water quality standards typically are expressed numerically. The commission establishes numeric water quality criteria to protect classified uses:

- Aquatic life – fish, aquatic invertebrates (e.g., insects, snails), and amphibians.
- Recreation – swimming, boating, wading, and water play.
- Agriculture – irrigation and livestock watering.
- Domestic water supply – drinking water supplies.

To establish Colorado criteria, the commission typically examines EPA criteria to determine if they should be modified to reflect conditions in Colorado. Table 2 compares Colorado's and EPA's criteria. For reporting years ending 9/2017 through 9/2019, there were no changes between reporting years. There were slight changes in the 10/2019-9/2020 reporting year due to the commission's December 2019 adoption of EPA's cadmium criteria for aquatic life, April 2020 adoption of a new hexahydro-1,3,5-trinitro-1,3,5-triazine (RDX) water supply criterion (less stringent than EPA), and April 2020 update of the chrysene aquatic life and domestic water supply combination criterion (less stringent than EPA). There were slight changes in the 10/2020-9/2021 reporting year due to the commission's June 2021 adoption of EPA's carbaryl and acrolein criteria for aquatic life. There were no changes in the 10/2021-9/2022 reporting year.

**Table 2 Comparison of Colorado's and EPA's water quality criteria**

Classified Use	Number of Colorado criteria that are the <u>same</u> as EPA criteria	Number of Colorado criteria that are <u>more stringent</u> than EPA criteria	Number of Colorado criteria that are <u>less stringent</u> than EPA criteria	Total
<b>Aquatic Life</b>				
As of 9/30/2017	35 (74%)	4 (9%)	8 (17%)	47
As of 9/30/2018	35 (74%)	4 (9%)	8 (17%)	47
As of 9/30/2019	35 (74%)	4 (9%)	8 (17%)	47
As of 9/30/2020	36 (77%)	3 (6%)	8 (17%)	47
As of 9/30/2021	38 (79%)	3 (6%)	7 (15%)	48
As of 9/30/2022	38 (79%)	3 (6%)	7 (15%)	48
<b>Recreation</b>				
As of 9/30/2017	0 (0%)	0 (0%)	1 (100%)	1
As of 9/30/2018	0 (0%)	0 (0%)	1 (100%)	1
As of 9/30/2019	0 (0%)	0 (0%)	1 (100%)	1
As of 9/30/2020	0 (0%)	0 (0%)	1 (100%)	1
As of 9/30/2021	0 (0%)	0 (0%)	1 (100%)	1
As of 9/30/2022	0 (0%)	0 (0%)	1 (100%)	1
<b>Agriculture</b>				
As of 9/30/2017	21 (91%)	1 (4%)	1 (4%)	23
As of 9/30/2018	21 (91%)	1 (4%)	1 (4%)	23
As of 9/30/2019	21 (91%)	1 (4%)	1 (4%)	23
As of 9/30/2020	21 (91%)	1 (4%)	1 (4%)	23
As of 9/30/2021	21 (91%)	1 (4%)	1 (4%)	23
As of 9/30/2022	21 (91%)	1 (4%)	1 (4%)	23
<b>Domestic Water Supply</b>				
As of 9/30/2017	79 (91%)	6 (7%)	1 (2%)	86
As of 9/30/2018	79 (91%)	6 (7%)	1 (2%)	86
As of 9/30/2019	79 (91%)	6 (7%)	1 (2%)	86
As of 9/30/2020	79 (91%)	6 (7%)	2 (2%)	87
As of 9/30/2021	79 (91%)	6 (7%)	2 (2%)	87
As of 9/30/2022	79 (91%)	6 (7%)	2 (2%)	87

Classified Use	Number of Colorado criteria that are the <u>same</u> as EPA criteria	Number of Colorado criteria that are <u>more stringent</u> than EPA criteria	Number of Colorado criteria that are <u>less stringent</u> than EPA criteria	Total
<b>Aquatic Life and Domestic Water Supply Combination</b>				
As of 9/30/2017	13 (13%)	31 (32%)	54 (55%)	98
As of 9/30/2018	13 (13%)	31 (32%)	54 (55%)	98
As of 9/30/2019	13 (13%)	31 (32%)	54 (55%)	98
As of 9/30/2020	13 (13%)	30 (31%)	55 (56%)	98
As of 9/30/2021	13 (13%)	30 (31%)	55 (56%)	98
As of 9/30/2022	13 (13%)	30 (31%)	55 (56%)	98

### Aquatic life

For aquatic life, table 2 shows that Colorado has three criteria more stringent than EPA criteria. For these criteria (cyanide, silver, and aldrin) the commission does not plan to revise the criteria to match EPA's. The Colorado criteria are close to the same magnitude as EPA's criteria, and regulated entities are not facing compliance issues with these criteria. The commission adopted cadmium aquatic life criteria consistent with EPA's criteria in December 2019.

Table 2 shows that Colorado has eight aquatic life criteria less stringent than EPA criteria. For five of these criteria (nitrogen, phosphorus, chlorophyll 'a', ammonia, and selenium), the program has developed a 10-year plan for coordinating with stakeholders on new criteria. EPA has published revised federal criteria for ammonia (2013) and selenium (2016) that reflect the latest science regarding these constituents and aquatic life protection. Colorado has not yet adopted these federal criteria. Colorado updated its aquatic life criteria for acrolein during the June 2021 Regulation No. 31 rulemaking hearing and the criteria are now the same as EPA's criteria. Colorado did adopt criteria for nitrogen, phosphorus, and chlorophyll 'a'. However, EPA did not approve them and recommended suggestions for improvement that will take additional effort. The program does not have plans to recommend criteria revisions to the commission for aluminum or zinc.

### Recreation

EPA's E. coli criteria are generally more stringent and complex than Colorado's criteria. However, the criterion applied to most Colorado water bodies (which have existing primary contact recreation) is the same as EPA's criterion, as shown in Table 2.

### Agriculture

Colorado's criteria are mostly the same as EPA's. Colorado has one criterion that is more stringent than EPA's (pH) and one criterion that is less stringent (molybdenum), as shown in Table 2. The program does not have plans to recommend revised criteria to the commission for pH. At this time, an external party is gathering scientific information on the molybdenum standard that may be used to suggest revisions to the criteria in the future.

### Domestic water supply

Colorado has six criteria more stringent than EPA's (barium, copper, fluoride, picloram, silver, total coliforms). The program does not recommend the commission focus on revising these criteria as the Colorado criteria are similar in magnitude to EPA's, and regulated entities are not facing compliance issues with these criteria. In April 2020, Colorado adopted a new hexahydro-1,3,5-trinitro-1,3,5-triazine (RDX) water supply criterion that is less stringent than EPA's.

### Aquatic life and domestic water supply combination

The commission adopted a number of criteria that apply to both domestic water supply and aquatic life consumed by humans (i.e., water + fish and fish ingestion). These are considered together because they use similar toxicological information based on human consumption of pollutants. EPA updated these criteria in 2015 to reflect that Americans, on average, drink more water and weigh more than when the criteria were originally developed. The program plans to present evidence to the commission in 2021 to revise the criteria to be consistent with EPA's criteria. Additionally, in April 2020, Colorado updated its chrysene aquatic life and domestic water supply combination criterion and it is now less stringent than EPA.

## 5.2 Standards modified based on site-specific factors

The federal Clean Water Act and the Colorado Water Quality Control Act allow statewide standards to be modified based on site-specific factors. Standards that are modified on a site-specific basis are summarized in the commission's Regulations 32 through 38 (5 CCR 1002-32 through 5 CCR 1002-38). Standards modified on a site-specific basis are typically less stringent than the statewide standards. When these standards are used in permits, they provide regulatory flexibility. Modifying standards on a site-specific basis generally helps resolve an existing or predicted compliance issue.

There are multiple site-specific tools that can be used to modify a statewide standard. All of these tools require staff time to evaluate site-specific information, examine the condition of the classified use the standard is meant to protect and work with stakeholders to formulate recommendations to the commission. Colorado is a national leader in developing site-specific standards that are still protective of classified uses.

In Colorado, there are three major site-specific tools used to modify a statewide standard: site-specific standards, temporary modifications, and variances. Site-specific numeric standards are modifications of statewide standards, based on consideration of site-specific factors such as water chemistry or aquatic life. Temporary modifications are adopted by the commission when there is uncertainty about the statewide standard and what the long-term solution or goal for a given site may be moving forward. Variances recognize specific solutions for point sources where it is not feasible to achieve the statewide standard. Table 3 shows the relative breakout of standards tools that have been adopted in segments for the major river basins across the state. Arsenic temporary modifications are shown separately in table 3 due to the adoption of a statewide temporary modification for arsenic in 2013. Temperature site-specific standards are included by themselves in table 3 because site-specific temperature standards have been a review element of focus for the commission in recent rulemaking hearings. Except for non-arsenic temporary modifications, the number of temporary modifications, variances, and site-specific standards has been relatively consistent throughout the reporting years. The commission and division have been working to decrease the number of non-arsenic temporary modifications, and this effort is reflected in the results of Table 3. For reporting year 10/2021-9/2022, the overall number of non-arsenic temporary modifications was reduced from 21 to 12 statewide. This resulted from a thorough review of the justification of existing temporary modifications that were set to expire.

**Table 3 Number of temporary modifications, variances and site-specific standards across the state**

Basin	Temporary Modifications		Variances	Site-Specific Standards	
	Non-Arsenic Temporary Modifications	Arsenic Temporary Modifications	Variances	Temperature Site-Specific Standards	Non-Temperature Site-Specific Standards
<b>Arkansas</b>					
As of 9/30/2017	35	53	1	10	77
As of 9/30/2018	33	53	3	10	85
As of 9/30/2019	4	52	3	10	85



Basin	Temporary Modifications		Variances	Site-Specific Standards	
	Non-Arsenic Temporary Modifications	Arsenic Temporary Modifications	Variances	Temperature Site-Specific Standards	Non-Temperature Site-Specific Standards
As of 9/30/2020	1	52	3	10	77
As of 9/30/2021	0	53	3	10	77
As of 9/30/2022	0	53	3	9	59
<b>Colorado</b>					
As of 9/30/2017	3	64	0	14	44
As of 9/30/2018	2	67	0	15	43
As of 9/30/2019	2	64	0	17	55
As of 9/30/2020	2	64	0	17	38
As of 9/30/2021	3	64	0	17	38
As of 9/30/2022	1	64	0	11	38
<b>Gunnison</b>					
As of 9/30/2017	5	52	1	4	81
As of 9/30/2018	5	52	1	9	81
As of 9/30/2019	5	52	1	9	81
As of 9/30/2020	5	52	1	9	33
As of 9/30/2021	4	52	1	9	33
As of 9/30/2022	2	51	1	9	31
<b>Rio Grande</b>					
As of 9/30/2017	10	28	0	4	60
As of 9/30/2018	2	31	0	6	68
As of 9/30/2019	0	31	0	6	68
As of 9/30/2020	0	31	0	6	52
As of 9/30/2021	0	31	0	6	52
As of 9/30/2022	0	31	1	6	51
<b>San Juan</b>					
As of 9/30/2017	4	60	1	11	46
As of 9/30/2018	4	60	1	13	46

Basin	Temporary Modifications		Variances	Site-Specific Standards	
	Non-Arsenic Temporary Modifications	Arsenic Temporary Modifications	Variances	Temperature Site-Specific Standards	Non-Temperature Site-Specific Standards
As of 9/30/2019	4	60	1	13	46
As of 9/30/2020	4	60	1	13	33
As of 9/30/2021	2	60	3	13	33
As of 9/30/2022	0	55	3	12	30
South Platte					
As of 9/30/2017	55	93	1	19	89
As of 9/30/2018	53	99	1	19	94
As of 9/30/2019	42	97	1	19	94
As of 9/30/2020	7	118	1	15	88
As of 9/30/2021	5	117	1	15	88
As of 9/30/2022	4	117	2	13	91
Yampa/White					
As of 9/30/2017	7	34	0	7	14
As of 9/30/2018	9	35	0	7	12
As of 9/30/2019	10	37	0	7	10
As of 9/30/2020	10	37	0	7	10
As of 9/30/2021	7	37	1	7	10
As of 9/30/2022	5	37	1	3	10
Statewide					
As of 9/30/2017	119	384	4	69	411
As of 9/30/2018	108	397	6	79	429
As of 9/30/2019	67	393	6	81	439
As of 9/30/2020	29	414	6	77	331
As of 9/30/2021	21	414	9	77	331
As of 9/30/2022	12	408	11	63	310

The commission has established river segments across the state, and each segment has standards applied to it based on each segment's classified uses. Table 4 summarizes the number of segments with temporary modifications, variances, and site-specific standards by major river basin. The number of these actions has been fairly consistent for all reporting years. Across the state and for the 10/2021-9/2022 reporting year, 38 percent of segments have temporary modifications, less than one percent have variances, and 18 percent of stream segments have site-specific standards.

**Table 4 Number of segments with temporary modifications, variances, and site-specific standards across the state**

Basin	No. of Segments	Temporary Modifications	Variances	Site-Specific Standards
<b>Arkansas</b>				
As of 9/30/2017	150	56	1	37
As of 9/30/2018	156	56	2	42
As of 9/30/2019	156	53	3	42
As of 9/30/2020	156	52	2	37
As of 9/30/2021	156	53	2	37
As of 9/30/2022	156	53	2	33
<b>Colorado</b>				
As of 9/30/2017	131	65	0	24
As of 9/30/2018	131	68	0	23
As of 9/30/2019	129	65	0	35
As of 9/30/2020	129	65	0	27
As of 9/30/2021	129	66	0	27
As of 9/30/2022	129	64	0	22
<b>Gunnison</b>				
As of 9/30/2017	152	52	1	44
As of 9/30/2018	152	52	1	48
As of 9/30/2019	152	52	1	48
As of 9/30/2020	152	52	1	37
As of 9/30/2021	152	52	1	37
As of 9/30/2022	158	51	1	34
<b>Rio Grande</b>				
As of 9/30/2017	104	29	0	20

Basin	No. of Segments	Temporary Modifications	Variances	Site-Specific Standards
As of 9/30/2018	107	32	0	24
As of 9/30/2019	107	31	0	24
As of 9/30/2020	107	31	0	18
As of 9/30/2021	107	31	0	18
As of 9/30/2022	107	31	1	18
<b>San Juan</b>				
As of 9/30/2017	169	64	1	34
As of 9/30/2018	169	64	1	35
As of 9/30/2019	169	64	1	35
As of 9/30/2020	169	64	1	32
As of 9/30/2021	169	62	1	32
As of 9/30/2022	170	55	3	28
<b>South Platte</b>				
As of 9/30/2017	228	105	2	46
As of 9/30/2018	233	112	2	49
As of 9/30/2019	233	106	1	49
As of 9/30/2020	230	122	2	50
As of 9/30/2021	230	121	2	50
As of 9/30/2022	230	121	3	51
<b>Yampa/White</b>				
As of 9/30/2017	134	39	0	14
As of 9/30/2018	134	42	0	12
As of 9/30/2019	135	44	0	14
As of 9/30/2020	135	44	0	14
As of 9/30/2021	135	44	1	14
As of 9/30/2022	135	41	1	11
<b>Statewide</b>				
As of 9/30/2017	1,068	410	5	219



Basin	No. of Segments	Temporary Modifications	Variances	Site-Specific Standards
As of 9/30/2018	1,082	426	6	233
As of 9/30/2019	1,081	415	6	247
As of 9/30/2020	1,078	430	6	215
As of 9/30/2021	1,078	429	9	215
As of 9/30/2022	1,085	416	11	197

### 5.3 Upcoming standards rulemakings

For the upcoming year, the Watershed Section will be working on the following standards development actions and rulemaking hearing proceedings:

**April 2023 - A statewide rulemaking hearing.** This hearing will focus on the adoption of total phosphorus and total nitrogen standards for lakes and reservoirs in the Basic Standards and Methodologies for Surface Water (Regulation No. 31). New nutrient criteria are proposed for a subset of lakes, along with a delayed effective date to allow time to work with permitted entities through concerns regarding feasibility.

**Fall 2023 - Discharger specific variances rulemaking hearing.** This is a limited-scope rulemaking hearing to review existing variances nearing expiration. The division is also working with disproportionately impacted communities to pursue variances where appropriate.

## Section 6 Protection and restoration: permits

The federal Clean Water Act and the Colorado Water Quality Control Act prohibit the discharge of pollutants to state waters unless those discharges do not compromise the uses of those waters. The Permits Section works to issue and manage permits for entities requesting to discharge pollutants into state waters. For discharges to surface water, the section processes permits as part of EPA's National Pollution Discharge Elimination System as EPA has delegated Colorado to issue these permits. For discharges to groundwater, permits are issued as part of the Colorado Discharge Permit System. Additionally, the Permits Section develops preliminary effluent limitations for planning purposes and issues reuse authorizations, authorizations for biosolids application, and authorizations for pretreatment discharges to domestic wastewater systems from industrial facilities. The section also manages data collection and storage to ensure that collected data meets internal data standards and EPA requirements.

HB17-1285 requires that the program provide information regarding permit production and timeliness. Figures 2 through 7 summarize the number of permits that were issued/reissued, modified, or administratively continued for all the reporting years. Permits have five-year terms. Issued permits are permits that are new and issued for the first time. A reissued permit has expired after its five-year term, but the permittee filed a renewal application to continue their discharge, and the program has processed the renewal. A permit modification is a change to an existing permit during its term. Administratively continued permits are permits that have expired, but the program has received a renewal application at least 180 days prior to the expiration date of the permit. If the program receives a complete application but does not renew the permit prior to the expiration date, the permit is automatically administratively continued, and the permittee is still authorized to discharge under the terms and conditions of its expired permit. Administratively extended permits cannot be modified.

Figures 2 and 3 display the number of individual permits and general permit certifications issued/reissued for all of the reporting years by the sector the program regulates. Again, the permitting sectors include commerce and industry, construction, MS4, pesticides, and public and private utilities. An individual permit is written to reflect site-specific conditions of a single discharger based on information submitted by that discharger in a permit application and is unique to that discharger. A general permit is written to cover multiple dischargers with similar operations and types of discharges based on the permit writer's professional knowledge of those types of activities and discharges. Figure 2 shows that, on average, the number of individual permits that were issued/reissued has increased over the baseline year. Vacancies in the Permits Section, training of new staff, and a focus on general permit certification renewals contributed to reduced individual permit output from 10/2019-9/2020. In 10/2021-9/2022, only two individual permits were issued, however several complex individual permits that required significant division resources to draft were drafted and public noticed during the year but issuance has been delayed due to a variety of case-specific circumstances. Figure 3 shows the total number of general permit certifications that were issued/reissued. The number of issued/reissued commerce and industry certifications in 10/2016-9/2017 and construction certifications in 10/2018-9/2019 significantly increased because those certifications were renewed following the renewals of the overarching general permits.

**Figure 2 Number of individual permits issued/reissued by sector**

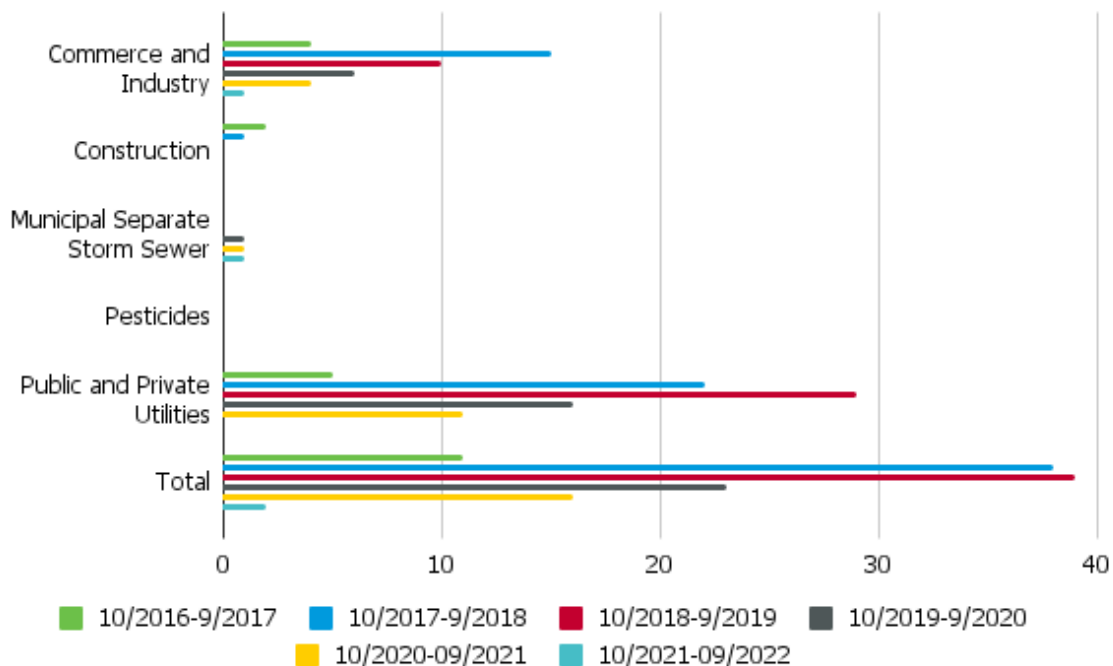
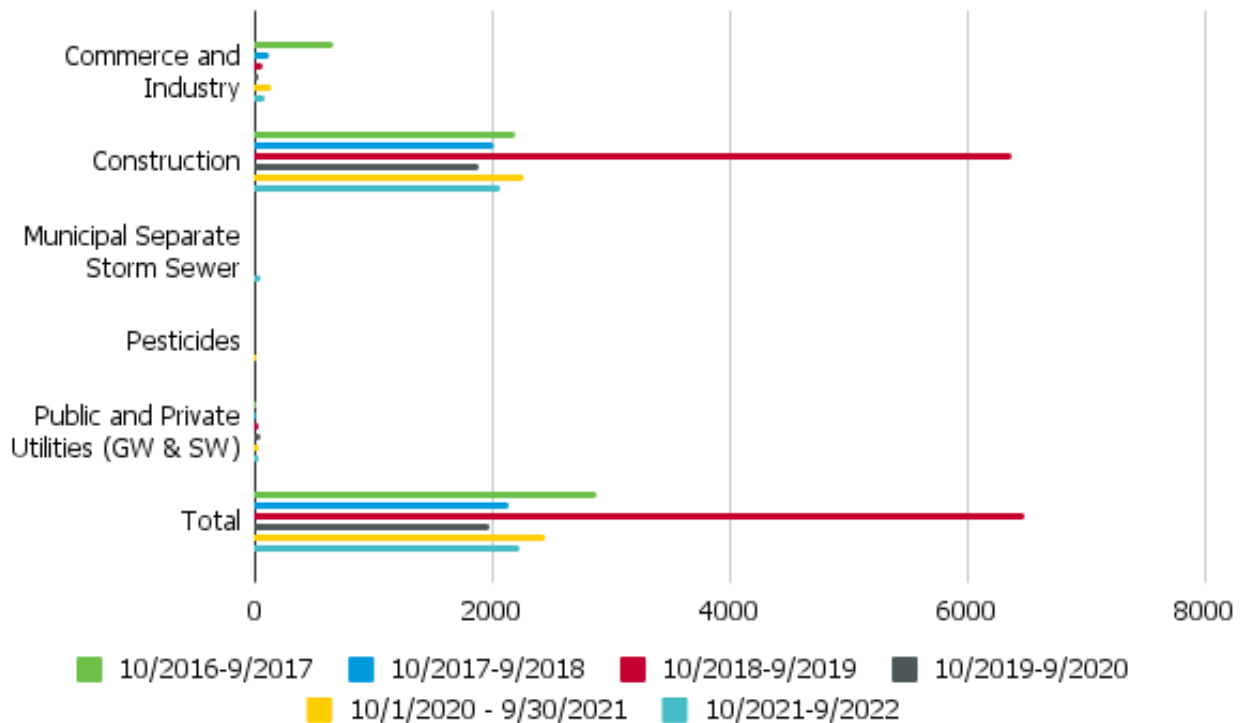


Figure 3 Number of issued/reissued general permit certifications by sector



Figures 4 and 5 show the number of individual permits and general permit certifications that were modified by sector for all of the reporting years. As previously mentioned, a permit modification is a change to an existing permit during its term. The number of modifications requested varies by year so fluctuations are expected. The program prioritizes processing permit modifications so these changes are not a reflection of a change in program practices. Figure 5 demonstrates that the number of general permit certification modifications has been similar across reporting years for all sectors except the construction sector. Prior to 2020, the number of general permit certification modifications did not include modifications of construction stormwater general permit certifications, which are typically modified to reflect changes of acreage covered by the certification and were not accessible from EPA databases used to generate information for this report. This information became available for the construction stormwater general permit partway through the 10/2019-9/2020 reporting year so that year does not include a full twelve months of data. The number of these modifications has increased significantly from the baseline year and the division attributes this to the construction industry increased use of the online modification form. Appendix B provides a list of permits and certifications that were modified for the 10/2021-9/2022 reporting year. Note that some permits and certifications had multiple modifications during the reporting year.

Figure 4 Number of individual permit modifications by sector

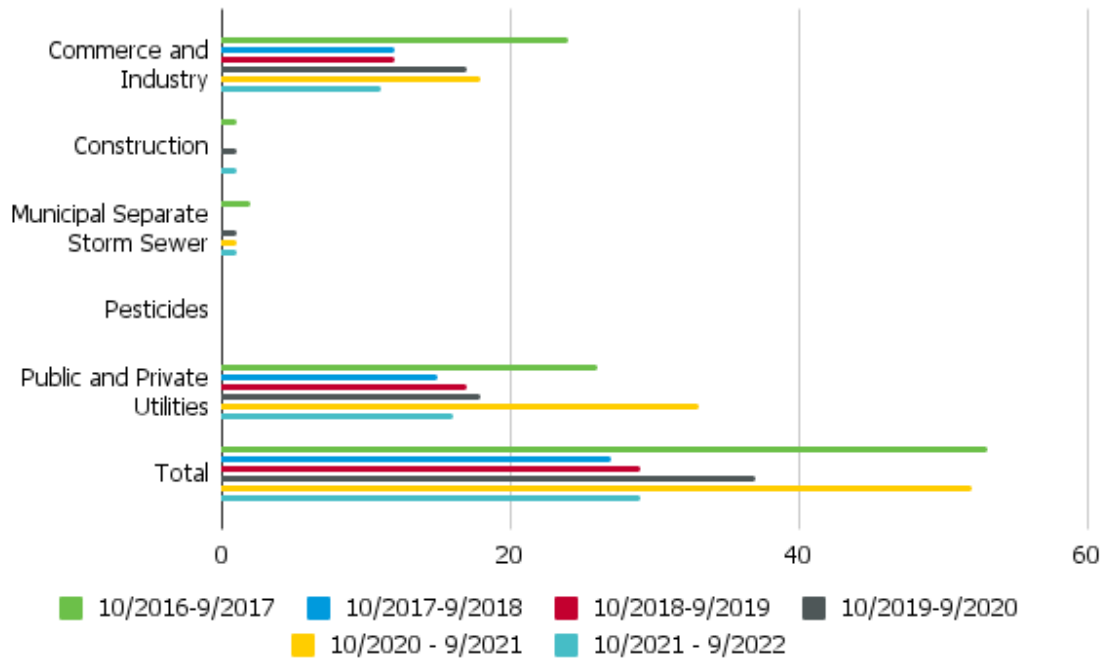
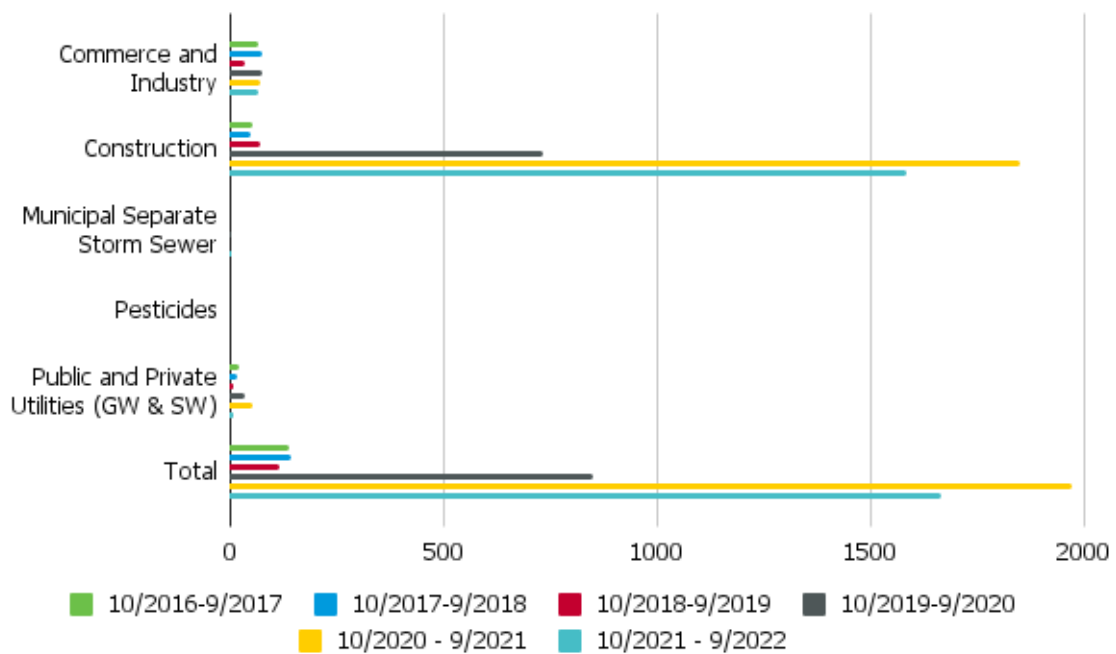


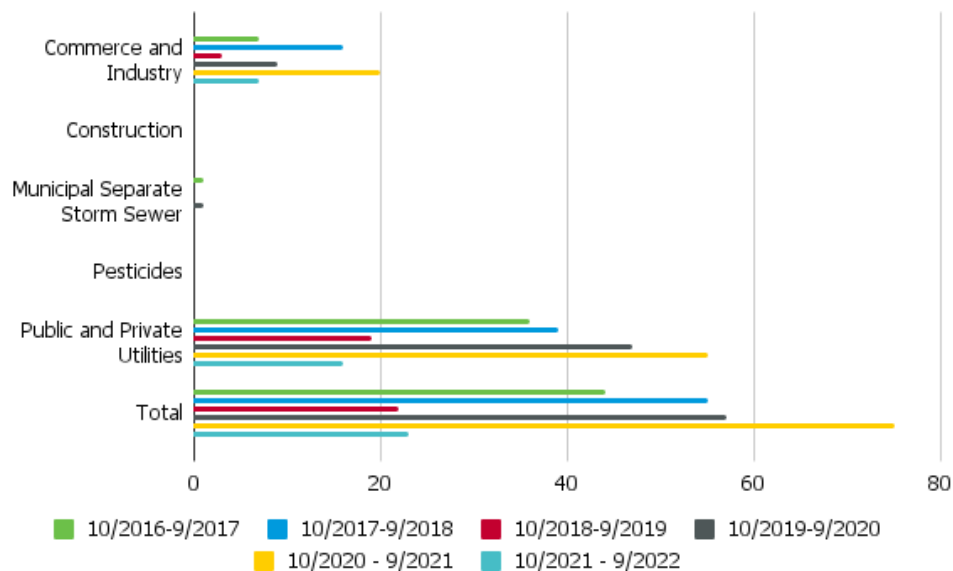
Figure 5 Number of general permit certification modifications by sector



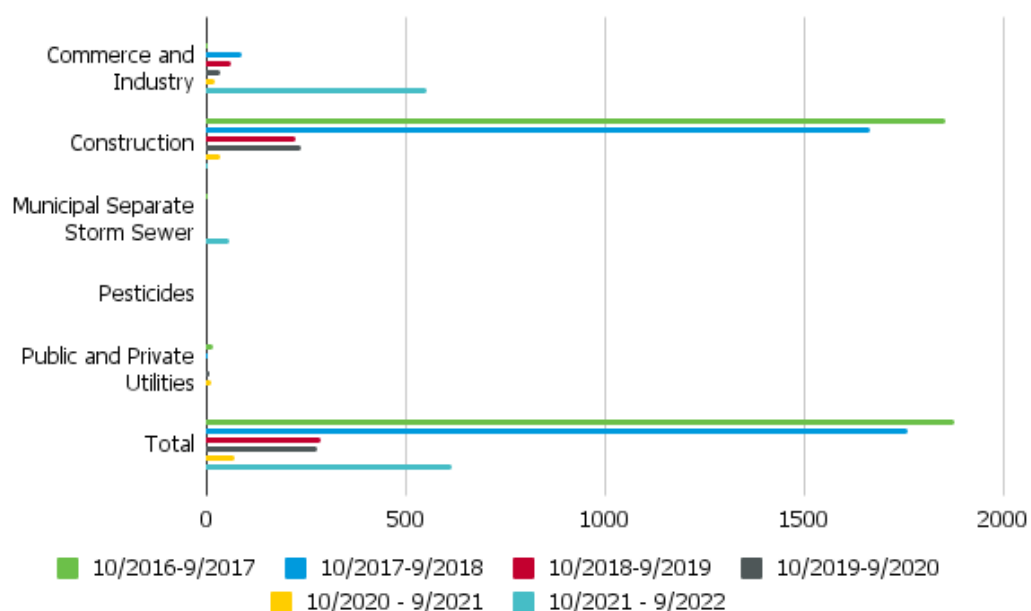


Figures 6 and 7 show the number of individual and general permit certifications that were continued for all reporting years. Again, administratively continued permits are permits that have expired but the program has received a renewal application at least 180 days prior to the expiration date of the permit. If the program receives a complete application but does not renew the permit prior to the expiration date, the permit is automatically administratively continued and the permittee is still authorized to discharge under its expired permit's terms and conditions. The program administratively continues both individual and general permits. Figure 6 indicates that there is not a notable trend for the number of individual permits continued. Figure 7 shows that the number of general permit certifications for the public and private utilities sector continued to have no notable trend. The number of continued general permit certifications for the commerce and industry and construction sectors are variable due to the expiration of general permits that cover very large numbers of certifications.

**Figure 6 Number of individual permits administratively continued by sector**



**Figure 7 Number of general permit certifications administratively continued by sector**



In addition to the production measures presented above, the program tracks the timeliness of permit issuance. One way to measure permit timeliness is to examine permit backlog. The federal Clean Water Act specifies that discharge permits may not be issued for a term longer than five years. Permittees who wish to continue discharging beyond the five-year term must submit a completed application for permit renewal at least 180 days prior to the expiration date of their permit. If the permitting authority receives a complete application but does not reissue the permit prior to the expiration date, the permit may be administratively continued. Permits that have been administratively continued for 180 days or more beyond their expiration date are considered to be backlogged.

The department's October 1, 2021, Performance Partnership Agreement (PPA) with EPA required that backlog be maintained at less than 25 percent for this reporting year. If the backlog exceeded 35 percent, the EPA would have required the division to develop additional measures and to develop and implement a backlog reduction plan. The backlog target is measured across all permits and the division has 9,528 permits in effect. As of September 30, 2022, 76% are current and 24% are backlogged. However, starting October 1, 2022, EPA changed the way backlogs are measured and excluded the construction stormwater general permit from the backlog goals. The construction stormwater general permit covers 6,473 (68%) of permitted discharges. With this new measurement, only 26% of permits are current and 74% are backlogged. Therefore, the state is not meeting EPA's current goal that Colorado should maintain at least 75% of permits as current. The division is working to reduce its backlog by increasing the on-time renewal of general permits that cover a large number of permit holders. It also tries to move those with individual permits to general permits when possible. While these efforts help, the division will need significantly more resources in order to meet the new EPA goal. If the division fails to meet this time goal, the EPA will require the division to develop and implement a backlog reduction plan. The division currently anticipates that a backlog reduction plan will be required in 2028, which will require the diversion of resources from other important work that could include compliance assistance and general permit certification issuance.

Figure 8 summarizes the percentage of backlogged permits by permit type. Process water permits regulate discharges from domestic wastewater facilities or industrial process water from breweries or mining operations. Stormwater permits regulate discharges from rain and snowmelt events that flow over land or impervious surfaces, such as paved streets, parking lots, building rooftops, construction sites, and industrial areas, and does not soak into the ground. The program's pesticide permit regulates the application of pesticides to or near state waters. Figure 8 shows that groundwater individual permit backlog has increased, however, the general permit backlog has decreased as the division focused on updating these general permits covering a large number of facilities and converting old individual groundwater permits to certifications under general permits when possible. There has been an increase in the individual process water permit backlog over the past five years. There was a significant decrease in the backlog for surface water stormwater general permits in 2019 resulting from the renewal of the stormwater construction permit and since then the backlog for this category has been consistently lower. The surface water process water general permit backlog has fluctuated but dropped in 10/2020-9/2021 as the division renewed several certifications under dewatering general permits. The backlog increased in 10/2021-9/2022 when the sand and gravel mining general permit expired. The stormwater individual permit category, which includes only seven permits for large municipal separate storm sewer systems and two industrial facilities, has maintained a consistently high backlog. However, the backlog did decrease over the last two years because the division made progress renewing these permits. The division has maintained the pesticide general permit since its issuance so there is no backlog for that category and sector. In total, the division maintained a significant decrease in permit backlog across all permits since the 10/2018-9/2019 reporting year. Detailed accounting used to calculate the percentages in Figures 8 can be reviewed in Appendix C.

**Figure 8 Percentage of permits backlogged by permit type**

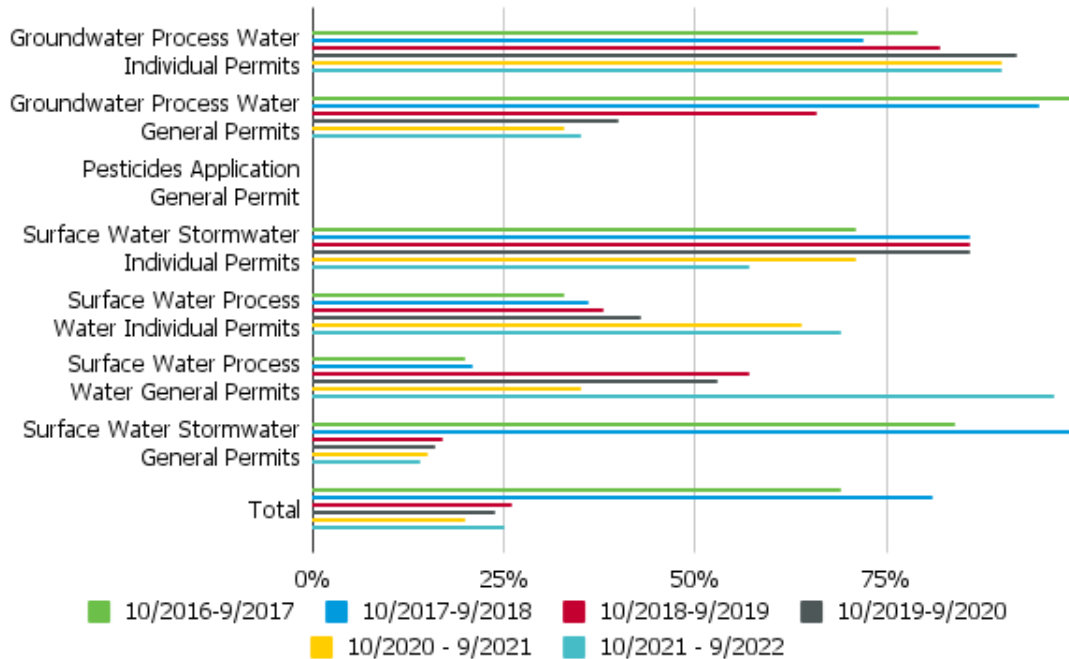
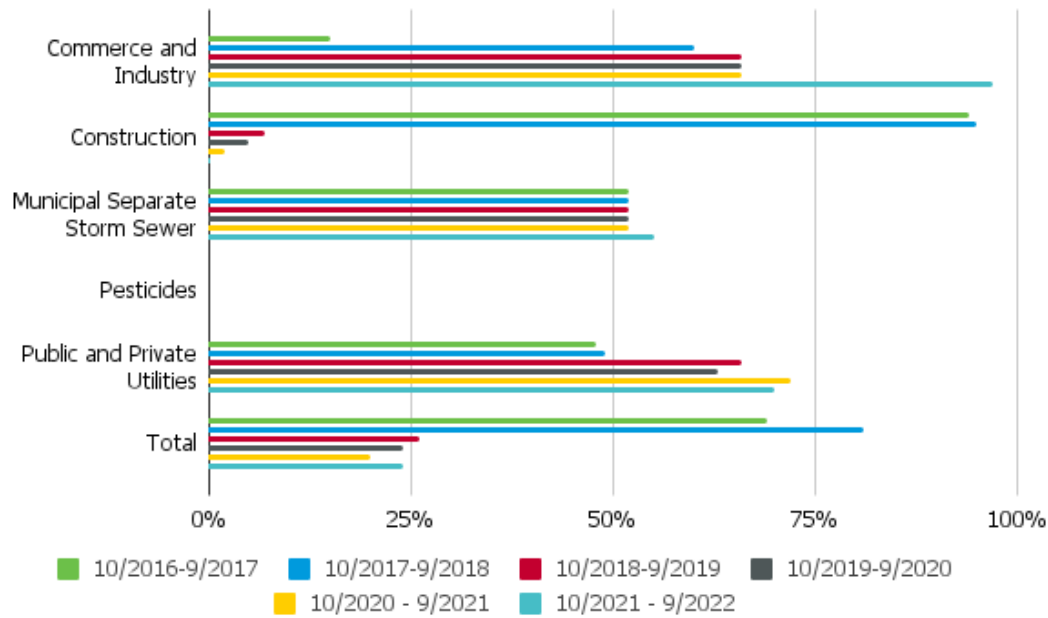


Figure 9 shows the percentage of permits backlogged by sector. Figure 9 indicates an increasing permit backlog trend for the public and private utilities, with a slight decrease in 10/2021-9/2022. The commerce and Industry sector saw a significant backlog increase in 10/2017-9/2018 and then again in 10/2021-9/2022 when general permits with large numbers of facilities expired. The construction sector backlog dropped significantly in 2018 with the stormwater general permit renewal and has been maintained low. The MS4 sector backlog has remained relatively constant although one of the three general permits expired last year resulting in an increase in backlog for that sector. The division has kept the pesticide general permit up to date since issuance so there has not been a backlog for that category and sector. The public and private utilities sector has generally seen a trend of increasing backlog. Detailed accounting used to calculate the percentages in Figure 9 can be reviewed in Appendix C.

**Figure 9 Percentage of permits backlogged by sector**



Tables 5 and 6 show the range of time permits have been backlogged. Table 5 focuses on the range of time permits have been backlogged by permit type, and table 6 shows the range of time by sector. The information presented in both tables suggests a slight increase in the range of time permits have been backlogged throughout the reporting years except for surface water process water individual permits. To address the backlog, the Permits Section continues to prioritize the least protective permits, which are typically the oldest permits. In addition, the Permits Section focuses on renewing general permits that cover a large number of permittees and works with permittees to transition them from individual to general permits when appropriate. In reporting years ending 9/30/2017 and 9/30/2018 a surface water process water individual permit was incorrectly categorized as a groundwater process water individual permit.

**Table 5 Range of time permits have been backlogged by permit type**

Permit Type	Range of time backlogged in years as of:					
	9/30/2017	9/30/2018	9/30/2019	9/30/2020	9/30/2021	9/30/2022
Groundwater Process Water Individual Permits	0 to 22	0 to 23	0 to 22	0 to 23	0 to 12	0 to 12
Groundwater Process Water General Permits	0.5 to 11	0 to 12	0 to 13	0 to 14	0 to 15	0 to 15
Pesticide Application General Permit	0	0	0	0	0	0
Surface Water Stormwater Individual Permits	0 to 3	0 to 4	0 to 4	0 to 6	0 to 7	0 to 7
Surface Water Process Water Individual Permits	0 to 10	0 to 11	0 to 24	0 to 25	0 to 26	0 to 27
Surface Water Process Water General Permits	0 to 6	0 to 7	0 to 8	0 to 9	0 to 10	0 to 11

Permit Type	Range of time backlogged in years as of:					
	9/30/2017	9/30/2018	9/30/2019	9/30/2020	9/30/2021	9/30/2022
Surface Water Stormwater General Permits	0 to 6	0 to 7	0 to 8	0 to 9	0 to 10	0 to 11

**Table 6 Range of time permits have been backlogged by permit sector**

Sector	Range of time backlogged in years as of:					
	9/30/2017	9/30/2018	9/30/2019	9/30/2020	9/30/2021	9/30/2022
Commerce and Industry	0 to 10	0 to 11	0 to 13	0 to 14	0 to 15	0 to 16
Construction	0 to 5	0 to 6	0 to 3	0 to 4	0 to 5	0 to 1
Municipal Separate Storm Sewer System	0 to 4	0 to 5	0 to 6	0 to 7	0 to 8	0 to 9
Pesticides	0	0	0	0	0	0
Public and Private Utilities	0 to 22	0 to 23	0 to 24	0 to 25	0 to 26	0 to 27

Table 7 and 8 summarize the average amount of time that permits have been backlogged by permit type and permit sector. This represents the average amount of time it takes to reissue an administratively extended permit. The program prioritizes processing permit modifications, issuing new permits, and processing general permit certifications over reissuing individual permits and general permits. Table 7 indicates that there has been a decrease in the average amount of time that groundwater process water individual permits are backlogged. For the remaining permit types, table 7 shows that the time of backlog has been variable but in general has increased as some older and lower priority permits continue to not be renewed to allow the division to focus on priority permits. The Permits Section continues to prioritize the oldest and least protective permits for renewal, focus on renewing general permits that cover a large number of permittees, and work with permittees to transition them from individual to general permits when appropriate. Table 8 shows that for the construction sector average backlog time has decreased and been held reasonably low. Table 8 shows that the municipal separate storm sewer System sector average backlog time decreased significantly in 10/2021-9/2022 because the division prioritized older permits in that sector. The average backlog time increased for individual process water to surface water and the general process water to groundwater permits. For all other sectors, table 8 shows that the time of backlog has been variable but in general held reasonably steady.

**Table 7 Average amount of time permits have been backlogged by permit type**

Permit Type	Average time backlogged in years as of:					
	9/30/2017	9/30/2018	A9/30/2019	9/30/2020	9/30/2021	9/30/2022
Groundwater Process Water Individual Permits	10	10	9	8	6	7
Groundwater Process Water General Permits	5	6	7	8	9	10
Pesticide Application General Permit	0	0	0	0	0	0
Surface Water Stormwater Individual Permits	2	3	4	5	6	7
Surface Water Process Water Individual Permits	2	2	3	3	3	4
Surface Water Process Water General Permits	4	5	2	4	7	3
Surface Water Stormwater General Permits	5	5	2	3	4	4

**Table 8 Average of time permits have been backlogged by permit sector**

Sector	Average time backlogged in years as of:					
	9/30/2017	9/30/2018	A9/30/2019	9/30/2020	9/30/2021	9/30/2022
Commerce and Industry	4	2	2	4	4	3
Construction	5	6	1	2	1	1
Municipal Separate Storm Sewer System	4	5	6	7	8	2
Pesticides	0	0	0	0	0	0
Public and Private Utilities	5	5	4	5	5	5



Table 9 shows the average time in days it takes to process modifications and issue new permits or certifications by sector. Process time reflects the amount of time between when a permit application is received to when it is finalized. There were no new individual permits issued during the baseline year. For the construction sector general permits, processing times have significantly decreased. For the remaining sectors, processing times are extremely variable due to case specific scenarios associated with modifications or issuances.

**Table 9 Average processing time (days) for modifications and issued certifications and permits**

Action type	Commerce and Industry	Construction	MS4	Pesticides	Public and Private Utilities
<b>General Permit Certification Modifications</b>					
10/2016-9/2017	15	27	n/a	n/a	66
10/2017-9/2018	45	9	99	2.5	40
10/2018-9/2019	25	5	n/a	n/a	51
10/2019-9/2020	29	2	n/a	n/a	42
10/2020-9/2021	29	3	n/a	n/a	33
10/2021-9/2022	36	4	n/a	n/a	6
<b>Individual Permit Modifications</b>					
10/2016-9/2017	77	n/a	n/a	n/a	83
10/2017-9/2018	97	n/a	n/a	n/a	107
10/2018-9/2019	58	n/a	n/a	n/a	79
10/2019-9/2020	52	n/a	n/a	n/a	90
10/2020-9/2021	92	n/a	n/a	n/a	86
10/2021-9/2022	224	196	n/a	n/a	113
<b>General Permit Certifications Issued</b>					
10/2016-9/2017	47	7	13	10	97
10/2017-9/2018	50	10	10	3	112
10/2018-9/2019	35	2	n/a	n/a	139
10/2019-9/2020	30	0	134	n/a	105
10/2020-9/2021	41	5	46	n/a	99
10/2021-9/2022	70	28	51	n/a	217
<b>Individual Permits Issued</b>					
10/2016-9/2017	n/a	n/a	n/a	n/a	n/a
10/2017-9/2018	284	n/a	n/a	n/a	395

Action type	Commerce and Industry	Construction	MS4	Pesticides	Public and Private Utilities
10/2018-9/2019	152	n/a	n/a	n/a	149
10/2019-9/2020	86	n/a	287	n/a	68
10/2020-9/2021	402	n/a	877	n/a	685
10/2021-9/2022	287	n/a	554	n/a	n/a

Over the past five years, the Permits Section has implemented quality improvement recommendations for the construction sector through implementing an online permit processing system. These improvements have decreased the amount of time needed to process dewatering and stormwater permits for the construction sector. Other process improvements include a streamlined preliminary effluent limitation process for domestic permits, the temporary acceptance of digital signatures on permit applications, and clearer communications to permittees.

Based on backlog information collected for the Permits Section over the past years, the division anticipates that current backlog levels are expected to increase with existing staffing levels for all sectors except the construction sector. The division obtained increased cash spending authority in 2022 for the construction sector and the public and private utilities sector that will result in additional staff starting in the next reporting period. For the construction sector, the additional resources from HB15-1249 have already allowed the division to maintain a low backlog in recent years, and the new spending authority will allow the division to maintain that lower backlog over the next few years. Because the backlog and resulting resource need is significantly larger in the public and private utilities sector, the new spending authority is not expected to substantially change the backlog. However, the spending authority will assist the division in targeting permitting actions on critical needs. As costs increase, new resources will eventually be needed to maintain staffing levels. The division has also taken other steps to decrease the backlog. In 2021 and 2022, the division prioritized the renewal of two general permits for 100+ small domestic surface water facilities, and work will continue in 2023 to issue new certifications under those permits. Renewing these permits diverts some resources from individual permit renewals but will have long-term backlog reduction benefits. These renewals will result in current permits for over a hundred small facilities currently covered under expired general permits. When these renewals are complete, the Permits Section will work with an additional large number of small facilities that have backlogged individual permits and provide them the opportunity to receive similar permit terms under one of these general permits. The Permits Section also significantly reduced the MS4 backlog in 2021/2022 with the renewal of at least one general permit covering 60 permittees and one individual MS4. The Permits Section will reduce the commerce and industry sector permit backlog in 2023 by renewing the COR900000 industrial stormwater general permit, which covers over 900 permittees.

In general, a focus on reducing the backlog, particularly when targeted at older priority permits, is important because permits that are more current reflect the latest actions adopted by the Water Quality Control Commission or EPA and thus better protect water quality. In addition, the division is continually focused on ways to make permits more clear and to fix any mistakes made in previous permits. These efforts are reflected in permits as they are renewed.

Additional division resources are needed for all sectors to draft renewal permits to more significantly reduce the backlog to ensure that permits are maintained current and reflective of current water quality standards and anti-degradation classifications, and so that the division can meet the needs of public utilities and regulated industries to make changes in their facilities and operations.

## Section 7 Protection and restoration: Engineering

The Engineering Section provides engineering review, compliance assistance, and technical assistance for domestic wastewater treatment facilities. The section achieves these efforts through area-wide wastewater facility planning, facility site approval, engineering plan review, compliance assistance, comprehensive performance evaluation, and construction inspections for facilities funded through the State Revolving Fund Program. In addition, the section provides onsite wastewater treatment system coordination, alternative technology reviews, and regulatory and technical assistance to industrial facilities.

Site location and design review efforts are a primary duty of the Engineering Section for the public and private utilities sector, and represent a majority of the clean water work performed by the Engineering Section. These values vary depending on the complexity of reviews received and are also impacted by other competing priorities. As table 10 shows, each review engineer completes an average of 44 reviews per year. While the number of design review engineers may vary per year, overall output remains relatively constant on a per engineer basis. Based on the information collected by the Engineering Section over the past nine years, the level of production per review engineer is likely to be consistent in the future.

**Table 10 Annual output related to site location and design review applications**

Reporting Year	Number of Review Engineers	Site Location Applications	Plans and Specifications	Total Reviews	Reviews per Engineer
10/2012-9/2013	4	82	74	156	39
10/2013-9/2014	4	100	85	185	46
10/2014-9/2015	4.5	111	95	206	45
10/2015-9/2016	3.3	109	66	175	53
10/2016-9/2017	3.8	91	83	174	46
10/2017-9/2018	3.8	101	64	165	43
10/2018-9/2019	3.8	97	72	169	43
10/2019-9/2020	3.8	90	62	152	40
10/2020-9/2021	4.25	87	95	182	43
10/2021-9/2022	4.16	95	73	168	43
Average	3.9	96	77	173	44

## Section 8 Assurance: Inspections

Field inspections are a key component of the program's compliance assurance efforts. The Field Services Section and the Compliance and Enforcement Section are responsible for conducting inspections of facilities subject to discharge permit and control regulation requirements. The type and frequency of inspections are identified in the program's annual facility inspection plan that is submitted to EPA. A compliance evaluation inspection is an on-site review of a permitted facility and its records for the purpose of evaluating the adequacy of the facility's ability to

meet the requirements of the National Pollutant Discharge Elimination System and the Colorado Discharge Permit System. Depending on specific field findings, inspection staff typically provide preliminary compliance assistance or compliance advisories to facilities following an inspection.

The program is also responsible for responding to environmental releases (e.g. spills) that are reported to the department. Table 11 summarizes the number of environmental releases by sector. Responding to an environmental release creates a significant unplanned workload because the timing and magnitude of response are unpredictable. The amount of spills occurring year-to-year is variable and there is not a clear trend. The program responded to slightly greater than average number of spills in the 10/2021-9/2022 reporting year.

**Table 11 Number of environmental releases by sector**

Reporting Year	Commerce and Industry	Public and Private Utilities	Total
10/2016-9/2017	209	158	367
10/2017-9/2018	194	160	354
10/2018-9/2019	257	161	418
10/2019-9/2020	263	142	405
10/2020-9/2021	193	124	317
10/2021-9/2022	175	216	391
Average	215	160	375

The program classifies inspections in two categories: compliance evaluation inspections and reconnaissance inspections. Compliance evaluation inspections include an on-site inspection of the wastewater treatment facilities and/or control measures, an assessment of their condition, a review of the permit conditions and compliance with those conditions, and an inspection report. Reconnaissance inspections can include an on-site inspection or a review of permit conditions and compliance, but usually not both. Reconnaissance inspections can also include site visits as a response to complaints and to provide compliance assistance. Compliance evaluation inspections are further divided into two categories: major facility compliance evaluation inspections and minor and non-classified facility compliance evaluation inspections. The permits that the program issues are classified as major or minor based on the rate of flow discharged, the population covered by the permit, and the magnitude and character of the discharge. In addition, the program inspects facilities that are regulated under commission control regulations including reclaimed water and biosolids facilities.

Table 12 summarizes the number of inspections by sector for the categories described above. In addition to the number of inspections completed for all reporting years, the inspection targets or goals are included. Inspection targets for the major and minor facilities are established based on EPA's 2014 Clean Water National Pollutant Discharge Elimination Compliance Monitoring Strategy. This strategy covers all of the sectors listed in Table 12 except for the public and private utilities reclaimed water and biosolids sectors, whose targets were established to be consistent with the national strategy. The national strategy allows states to decide the best inspection strategy for pesticide sector permits, and the program uses reconnaissance techniques for inspecting these permittees. For the municipal separate storm sewer sector (MS4) sector, the program lacks resources to conduct effective oversight for the cities, counties, and special districts with permits for these stormwater system discharges within urban areas. The limited resources for the MS4 sector are instead devoted primarily to drafting permits and compliance assistance; although the division is committed to conducting enforcement if necessary. The lack of resources for oversight of the MS4 sector has been long-standing.

After an initial increase from the baseline year, the amount of inspections has been relatively consistent throughout all reporting years except for 10/2019-9/2020 and 10/2020-9/2021. There was a decrease in the number of inspections across most sectors in 2019-2020 due to the COVID-19 pandemic's impact on the program's ability to conduct inspections safely and as discussed previously the pace of hiring vacant positions also decreased during the 10/2019-9/2020 due to the COVID-19 pandemic. This impact only occurred in a few sectors in 2020-2021. Some variation can also be seen from year-to-year based on changes in oversight strategy, based on targeting of specific sectors or sub-sectors in some years, short term vacancies, and other factors. Biosolids inspections rely heavily on inspections contracted with Local Health Departments, which reduced inspections in 2021. Reclaimed Water inspections were due to significant stakeholder processes associated with ongoing rulemakings, but are expected to increase if new rulemakings are not proposed. For the construction sector, the division has continued to conduct increased reconnaissance inspections, but this shift was not a reduction in oversight.

HB17-1285 was focused on maintaining existing services, so funding from this bill was not intended to address those sectors with long-standing oversight resource gaps, which include all sectors except construction.

**Table 12 Number of compliance oversight inspections completed by sector**

Year	Commerce and Industry	Public and Private Utilities Domestic Water and Wastewater	Public & Private Utilities Reclaimed Water	Construction	Pesticides	Biosolids	MS4
<b>Major Facility Compliance Evaluation Inspections</b>							
10/2016-9/2017	10	34	n/a	n/a	n/a	n/a	0
10/2017-9/2018	8	30	n/a	n/a	n/a	n/a	0
10/2018-9/2019	5	26	n/a	n/a	n/a	n/a	0
10/2019-9/2020	0	29	n/a	n/a	n/a	n/a	0
10/2020-9/2021	6	10	n/a	n/a	n/a	n/a	0
10/2021-9/2022	8	20	n/a	n/a	n/a	n/a	0
10/2021-9/2022 Targets	9	18	n/a	n/a	n/a	n/a	1
<b>Minor Facility and Unclassified Facility Compliance Evaluation Inspections</b>							
10/2016-9/2017	42	71	27	309	n/a	57	0
10/2017-9/2018	40	123	14	432	n/a	71	0
10/2018-9/2019	56	61	14	357	n/a	69	0

Year	Commerce and Industry	Public and Private Utilities Domestic Water and Wastewater	Public & Private Utilities Reclaimed Water	Construction	Pesticides	Biosolids	MS4
10/2019-9/2020	29	44	1	172	0	75	0
10/2020-9/2021	54	59	1	55	0	39	0
10/2021-9/2022	73	62	4	276	0	48	0
10/2021-9/2022 Targets	261	108	68	480	0	68	25
Reconnaissance Inspections							
10/2016-9/2017	9	7	0	75	15	0	0
10/2017-9/2018	17	2	3	97	13	1	0
10/2018-9/2019	25	2	1	86	0	0	0
10/2019-9/2020	5	0	0	414	0	0	0
10/2020-9/2021	0	0	0	728	4	0	3
10/2021-9/2022	0	0	0	200	6	0	0
10/2021-9/2022 Targets	n/a	n/a	n/a	136	7	n/a	0
Total							
10/2016-9/2017	61	112	27	384	15	57	0
10/2017-9/2018	65	155	17	529	13	72	0
10/2018-9/2019	86	89	15	443	0	69	0
10/2019-9/2020	34	73	1	586	0	75	0
10/2020-9/2021	60	69	1	783	4	39	3



Year	Commerce and Industry	Public and Private Utilities Domestic Water and Wastewater	Public & Private Utilities Reclaimed Water	Construction	Pesticides	Biosolids	MS4
10/2021-9/2022	81	82	4	476	6	48	0

## Section 9 Assurance: Enforcement

The Compliance and Enforcement section is responsible for ensuring the regulated community complies with the requirements of the Colorado Water Quality Control Act and its implementing regulations. Work can be placed into three broad categories: compliance assistance, informal compliance assurance, and formal enforcement activities. Enforcement staff follows established formal and informal enforcement response criteria outlined in the program's enforcement management system.

**Compliance assistance** - Compliance assistance helps people and entities understand and comply with regulatory requirements and provides general technical assistance to the regulated community. Compliance assistance tools and methods include telephone and email assistance, guidance documents, and training for the regulated community.

**Informal compliance assurance** - The objective of informal compliance assurance is to facilitate the resolution of noncompliance problems without the more rigorous and resource-intensive administrative or judicial enforcement process. This includes a review of self-reported and field-generated data, comparison of the information to established enforcement criteria, issuance of compliance advisories, and any associated follow-up activities. Informal compliance assurance does not include the assessment of monetary penalties.

**Formal enforcement** - Formal enforcement actions are authorized under §25-8-601 C.R.S. through §25-8-612 C.R.S. and §25-9-110 C.R.S. Enforcement may happen when compliance is not achieved through informal compliance assurance or in cases of serious violations that pose a threat to public health or the environment. This category includes administrative remedies and civil judicial actions. Formal enforcement actions can be used to require compliance with permits, regulations, and statutes and are subject to the appeal rights of the violator.

The vast majority of discharge permits require an entity to monitor their discharge for compliance. This data is reported to the program via discharge monitoring reports (DMR). Given that there are over 9,000 permitted discharges across the state and limited program resources, staff members are only able to complete onsite evaluations for around 10 percent of permitted facilities per year. Therefore, timely submission of complete and accurate self-reported data is essential to determining an entity's permit compliance and provides a summary of the quality of the water discharged from the facility. Table 13 shows the total number of delinquent or deficient DMR violations by sector. This data is reviewed quarterly. There had been a downward trend in the total number of DMR violations as the program has made a concerted effort to improve the amount and quality of DMR submissions. However, since 10/2019-9/2020 there has been an increase in DMR violations from previous years. There is a potential that these will be short-term increases associated with new reporting requirements in some permits and with difficulties associated with the pandemic, and there has been a general downward trend since 10/2019-9/2020. The vast majority of these violations are being corrected and have not led to an increase in significant violations that require an escalation to enforcement. The division will continue to review the data and other available information to determine if additional measures may be needed to obtain a return to the higher rates of compliance.

**Table 13 Total occurrences of delinquent or deficient DMR violations**

Sector	10/2016 -9/2017	10/2017 -9/2018	10/2018 -9/2019	10/2019 -9/2020*	10/2020 -9/2021	10/2021 -9/2022
Commerce and Industry	432	321	423	529	634	516
Construction	485	390	350	662	589	537
Public and Private Utilities	241	144	198	331	275	270
MS4, Pesticides, and Biosolids	DMR Reporting not required for these sectors					

\*There was an error in the data processing for the 19-20 reporting year that has been correct for this report.

Table 14 shows the number of facilities with effluent violations by sector. As with the DMR violation identified in table 13, there was an increase in the effluent violations since 10/2019-9/2020. Again, this is potentially a short term-increase associated with new effluent limits and the pandemic and there has been a general downward trend since 10/2019-9/2020. The vast majority of these violations are being corrected and have not led to an increase in significant violations that require an escalation to enforcement. The division will continue to review the data and other available information to determine if additional measures may be needed to obtain a return to the higher rates of compliance.

**Table 14 Number of facilities with effluent violations by sector**

Sector	10/2016 -9/2017	10/2017 -9/2018	10/2018 -9/2019	10/2019 -9/2020*	10/2020 -9/2021	10/2021 -9/2022
Commerce and Industry	74	82	94	107	125	117
Construction	108	122	119	229	218	172
Public and Private Utilities	236	237	260	476	520	474
MS4, Pesticides, and Biosolids	DMR Reporting not required for these sectors					

\*There was an error in the data processing for the 19-20 reporting year that has been correct for this report.

Table 15 summarizes the number of compliance advisories that were issued by sector. The number of compliance advisories can vary by year depending on specific compliance initiatives as well as the compliance for DMRs and effluent violations (tables 13 and 14), and the number of inspections conducted (table 12). The construction sector and the commerce and industry sector have seen a general increase in the number of compliance advisories due to compliance advisories issued to improve the DMR compliance rate in those sectors. During the 10/2020-9/2021 reporting year, the division conducted a significant increase in reconnaissance inspections for the

construction sector that resulted in a higher number of permits being evaluated and additional field violations being identified and addressed through compliance advisories.

**Tables 15 Number of facilities that had compliance advisories issued**

Sector	10/2016-9/2017	10/2017-9/2018	10/2018-9/2019	10/2019-9/2020	10/2020-9/2021	10/2021-9/2022
Commerce and Industry	422	1,404	942	451	907	928
Construction	1,029	1,384	1,163	956	1783	1312
Public and Private Utilities	785	763	656	623	645	702
MS4	0	7	0	0	41	0
Pesticides	0	0	0	0	0	0
Biosolids	0	2	2	0	0	0
<b>Total</b>	<b>2,236</b>	<b>3,560</b>	<b>2,763</b>	<b>2,030</b>	<b>3,293</b>	<b>2942</b>

Table 16 summarizes the number of enforcement actions issued by sector for the reporting year. The number of enforcement actions vary from year-to-year depending on the nature of violations and the nature and scope of actions being performed. Note that the number of formal enforcement actions is significantly fewer than the number of facilities with violations, as reported in table 14 above. The enforcement actions summarized in table 16 include:

**Notice of Violation (NOV), Cease and Desist Order (CDO), Clean-up Order (CUO)** – These are a formal notifications that a person or entity has violated the law. These actions outline corrective actions required to resolve the violations. The program imposes civil penalties when an NOV, CDO, or CUO has been issued.

**Compliance Order on Consent and Expedited Settlement Agreement** – These are settlement agreements that resolve violations and penalties and in some cases include corrective action requirements.

**Order for Civil Penalty (OCP)** - The program imposes civil penalties through the issuance of OCPs. Penalties for violations of the Colorado Water Quality Control Act are assessed consistent with §25-8-608 C.R.S. and the program's penalty policies. Penalties consider the following factors:

- The potential damage of the violation(s).
- The violator's compliance history.
- Whether the violation(s) was intentional, reckless, or negligent.
- The impact or threat to public health and the environment.
- The duration of the violation(s).
- The economic benefit realized as a result of the violation.

The maximum civil penalty for violations of the Colorado Water Quality Control Act was set at \$54,833 by House Bill 20-1143, effective July 2, 2020. Previously the maximum penalty had been \$10,000 per day of violation. House Bill 20-1143 also directed the Water Quality Control Commission to annually increase the maximum amount for inflation. In 2021, the commission adopted the new Regulation 101 to apply the required inflation adjustment, and the first adjustment will go into effect on January 1, 2022, to bring the maximum penalty to \$56,759. Penalties for

violations of the Water and Wastewater Treatment Facility Operators Statute are assessed consistent with §25-9-110 C.R.S. and consider the facility type, treatment complexity, and duration of the violation. The maximum penalty for violations of the Water and Wastewater Treatment Facility Operators Statute and its implementing regulation is \$300 per day of violation.

**Judicial Actions** - Civil enforcement actions are judicial actions taken against a violator when violations are determined to be serious enough to warrant seeking restraining orders, injunctions, and/or court-ordered civil penalties or remedies.

**Table 16 Number of enforcement actions issued including amendments to existing orders**

Year	Notice of Violation/ Cease and Desist Orders or Clean-up Orders	Compliance Orders on Consent	Expedited Settlement Agreements	Order for Civil Penalty	Judicial Actions	Total
10/2016-9/2017	25	11	6	8	2	52
10/2017-9/2018	26	11	0	12	2	51
10/2018-9/2019	28	19	0	17	0	64
10/2019-9/2020	42	21	2	41	0	106
10/2020-9/2021	24	22	3	33	1	83
10/2021-9/2022	24	5	0	18	1	48

## Section 10 Conclusions

HB17-1285 requires the division to “...develop baseline information for reporting. Commencing in 2018, the department shall provide information on improvements that have been made in comparison to the baseline information and information on the barriers to making improvements.” Below is a summary of the comparison to the baseline year and barriers to making program improvements.

### 10.1 Comparisons to baseline information

Table 17 summarizes how HB17-1285 reporting requirements compare to the baseline year. Following is an overview of notable improvements to service, production, and processes that the division has implemented since the baseline year:

**Program staffing levels:** HB17-1285 provided the commerce and industry sector, MS4 sectors, and public and private utilities sectors funding to maintain program services. The funding allowed the division to backfill positions that were held vacant for budget-balancing purposes. Staff levels have fluctuated during the reporting periods due to attrition that is commensurate with historic rates at the division. In comparison to the baseline year, the division has increased staffing levels by 3.2 full-time equivalents or 8 percent.

**Standards:** Production levels for standards development were similar to the baseline year. The division anticipated that this would be the case as staffing levels for these efforts have remained consistent. Increased demand for discharge specific variances and other flexibility through commission action has increased in recent years, resulting in an increased demand to increase overall production levels associated with standards. Without additional resources, the division will not be able to meet this increased demand.

**Permits:** The department's October 1, 2021, Performance Partnership Agreement (PPA) with EPA required that backlog be maintained at less than 25 percent for this reporting year. If the backlog exceeded 35 percent, the EPA would have required the division to develop additional measures and to develop and implement a backlog reduction plan. The backlog target is measured across all permits and the division has 9,528 permits in effect. As of September 30, 2022, 76% are current and 24% are backlogged. However, starting October 1, 2022, EPA changed the way backlogs are measured and excluded the construction stormwater general permit from the backlog goals. The construction stormwater general permit covers 6,473 (68%) of permitted discharges. With this new measurement, only 26% of permits are current and 74% are backlogged. Therefore, the state is not meeting EPA's current goal that Colorado should maintain at least 75% of permits as current. The division is working to reduce its backlog by increasing the on-time renewal of general permits that cover a large number of permit holders. It also tries to move those with individual permits to general permits when possible. While these efforts help, the division will need significantly more resources in order to meet the new EPA goal. If the division fails to meet this time goal, the EPA will require the division to develop and implement a backlog reduction plan. The division currently anticipates that a backlog reduction plan will be required in 2028, which will require the diversion of resources from other important work that could include compliance assistance and general permit certification issuance.

Permit production has generally exceeded the baseline year, but varies significantly from year to year for specific sectors and types of actions; however, the overall number of completed permit actions decreased for 10/2021-9/2022. Permit timeliness has increased over the baseline year because the division reduced the total number of permits backlogged across all permit types and there is a consistent downward trend in permit backlogs over the last three years. HB17-1285 allowed for several vacancies to be filled in the Permits Section that previously hindered permit production in the baseline year. Ongoing process improvement and efficiency efforts include:

- The division seeks opportunities to permit additional facilities under general permits when the regulatory and permittee needs can be met without the need for more resource-intensive individual permits.
- The division is focusing on process improvements for the individual permit renewal process. The division is identifying opportunities to optimize and improve workflows to better serve the public, write permits and complete other necessary permitting work. The division has conducted two Lean processes that evaluated the overall workflows to eliminate waste and drive increased productivity and quality in permitting. In addition, the project improvement process seeks to understand what technological improvements are necessary to streamline the permit process, especially the individual permit renewal process. While not finished, the process improvement work initiated important discussions about changes to application processes and the development of tools for permit drafting. Although the division continues to work on process improvements and new tools, additional increases in production are expected to be moderate. In order to significantly decrease the permitting backlog, additional resources will be needed.
- The division has implemented an online system for construction sector permit actions and has expanded the system to allow permittees to request modifications to general permit certifications. The division noted a significant increase in the issuance of modifications in 2021. The ability for permittees to request actions online streamlines the division processes and has allowed the division to keep up with the 50 percent increase in construction sector permits since 2016.

**Engineering:** Production levels for engineering reviews were similar to the baseline year. The division anticipated that this would be the case as staffing levels for these efforts have remained consistent and the quantity and complexity of the work have not varied significantly.

**Inspections:** The total number of inspections conducted has consistently exceeded the baseline year. This increase is a result of HB15-1249, which provided new resources that allowed for additional construction sector inspections beginning in 2017. The division has also increased its use of reconnaissance inspections that allow for the identification of indicators of noncompliance without a full facility compliance assessment. This process has

benefits because it allows more facilities to be assessed and results in a significant increase in the total number of inspections in 2021. A limitation of this process is the lack of compliance assistance that can be provided with an in-person inspection. Moving forward, the division will continue to use reconnaissance inspections as a tool to complement the standard full compliance inspection process. Reconnaissance inspections have primarily been used for stormwater permits due to the nature of the control measures being in open fields. The division did shift some resources back to full compliance inspections in 10/2021-9/2022 and will continue to assess from year to year the proper balance of the two types of inspections.

**Enforcement:** The division has continued to generally increase the enforcement productivity from the baseline year due to process improvements and a strategy of issuing actions earlier before the severity has had a chance to escalate. By increasing productivity for enforcement, the division is better able to address violations earlier in the process. This prevents compliance issues from escalating to more chronic and significant problems that could result in environmental harm and threats to public health and increased costs to regulated facilities from penalties and corrective actions. There was a decrease in the total number of enforcement actions issued in 10/2021-9/2022. However, this reduction does not represent a change in strategy or reduction in the overall need for enforcement to address noncompliance and instead is indicative of the variability in the effort and timeline for enforcement depending on the nature of violations and the nature and scope of actions being performed.

**Table 17: Comparison of HB17-1285 requirements for all reporting years compared to the baseline year**

Reporting Category	10/2017-9/2018 compared to baseline year	10/2018-9/2019 compared to baseline year	10/2019-9/2020 compared to baseline year	10/2020-9/2021 compared to baseline year	10/2021-9/2022 compared to baseline year
Program staffing levels	↑	↑	↔	↑	↑
Standards development	↔	↔	↔	↔	↔
Permit production	↑	↑	↑	↑	↑
Permit timeliness	↔	↑	↑	↑	↑
Engineering reviews production	↔	↔	↔	↔	↔
Inspection production	↑	↑	↑	↑	↑
Enforcement actions	↔	↔	↑	↑	↓

## 10.2 Barriers to program improvements

As discussed above, the program has made process improvements. Yet, the efficiencies gained are not enough to improve and increase:

- **Compliance oversight:** The EPA establishes inspection targets in accordance with EPA's 2014 Clean Water National Pollutant Discharge Elimination Compliance Monitoring Strategy. This strategy covers all of the division's compliance work except for the reclaimed water and biosolids. Targets for those activities are



established by the division consistent with the national strategy. The division was not able to meet oversight targets for any of the sectors in the 10/2021-9/2022 reporting year.

In 2022, additional spending authority was granted to the division to add two additional inspectors for the construction sector to address a significant increase in the number of active permits for that sector. The division currently plans to hire these positions in early 2023. Once these positions are on-boarded and trained, the division expects to be able to meet the EPA construction oversight targets beginning in inspection year 10/2023-9/2024.

The most substantial gaps between the oversight targets and the level of oversight provided for the remaining sectors are for the MS4 sector and the commerce and industry sector. In 2022, the division also received increased spending authority to hire an additional inspector for the public and private utility sector. This additional resource will allow for an increase in inspections conducted for that sector. However, this additional inspection resource will not be adequate to allow for the EPA inspection targets to be met. The division will continue to not be able to meet oversight goals and needs for all sectors except the construction sector until additional resources are obtained.

- **Compliance assistance and coaching:** In-person inspections and coaching is the main tool for providing compliance assistance. As described above, the division does meet current inspection goals and cannot redirect resources to provide assistance. Examples of compliance assistance that would be helpful to regulated entities:
  - guidance on practice-based permit conditions for the MS4 sector.
  - technical support for monitoring and limiting contaminants of emerging concern.
  - proactive compliance coaching for disadvantaged or low-population domestic wastewater systems.
- **Permit timeliness:** The department's October 1, 2021, Performance Partnership Agreement (PPA) with EPA required that backlog be maintained at less than 25 percent for this reporting year. If the backlog exceeded 35 percent, the EPA would have required the division to develop additional measures and to develop and implement a backlog reduction plan. The backlog target is measured across all permits and the division has 9,528 permits in effect. As of September 30, 2022, 76% are current and 24% are backlogged. However, starting October 1, 2022, EPA changed the way backlogs are measured and excluded the construction stormwater general permit from the backlog goals. The construction stormwater general permit covers 6,473 (68%) of permitted discharges. With this new measurement, only 26% of permits are current and 74% are backlogged. Therefore, the state is not meeting EPA's current goal that Colorado should maintain at least 75% of permits as current. The division is working to reduce its backlog by increasing the on-time renewal of general permits that cover a large number of permit holders. It also tries to move those with individual permits to general permits when possible. While these efforts help, the division will need significantly more resources in order to meet the new EPA goal. If the division fails to meet this time goal, the EPA will require the division to develop and implement a backlog reduction plan. The division currently anticipates that a backlog reduction plan will be required in 2028, which will require the diversion of resources from other important work that could include compliance assistance and general permit certification issuance.
- **Support for environmental justice efforts:** The division anticipates that support for environmental justice efforts will increase in the future and that while some of these activities will be included in current work processes additional resources will likely be needed to increase engagement with disproportionately impacted communities in the future. The division did revive one additional FTE that is expected to be hired in 2023 to support outreach during water quality control commission rulemakings.

The department's budget amendment request for the state fiscal year 2022-23 was included and passed in the Long Bill. The amendment increased spending authority without raising fees for the *construction* and *public and*

*private utilities* sectors. This increased spending authority should allow the division to maintain 65% of permits as current and avoid being required by EPA to implement a backlog reduction plan prior to 2028. In addition, the increased spending authority should let the division set annual inspection goals that would meet EPA's expectations for construction sector inspections and increase inspections for the public and private utilities sector.

## Appendix A Program finances

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[Revenue and expenditures](#) are provided for SFY21-22 and first half of SFY22-23.

# Fiscal Year 2021-22 Financial Results

## FY21-22 Year End Results

Sector Budget:	TOTAL LB Spending Auth	Collected Revenue	Total Expenses
<b>Commerce and Industry</b>	<b>\$ 2,865,935</b>	<b>\$ 1,309,158</b>	<b>\$ 2,750,344</b>
General Fund	\$ 1,192,242		\$ 1,191,614
Cash Funds - 2019	\$ 1,447,731	\$1,309,158	\$ 1,335,571
Federal Funds	\$ 260,756		\$ 236,987
<b>Construction</b>	<b>\$ 2,622,171</b>	<b>\$ 3,279,656</b>	<b>\$ 2,556,241</b>
General Fund	\$ 311,775		\$ 309,190
Cash Funds - 2021	\$ 2,151,737	\$3,279,656	\$ 2,133,204
Federal Funds	\$ 178,468		\$ 133,656
<b>MS4</b>	<b>\$ 337,872</b>	<b>\$ 205,037</b>	<b>\$ 316,475</b>
General Fund	\$ 125,542		\$ 125,490
Cash Funds - 2023	\$ 181,557	\$205,037	\$ 178,988
Federal Funds	\$ 32,861		\$ 14,085
<b>Pesticides</b>	<b>\$ 250,549</b>	<b>\$ 10,840</b>	<b>\$ 207,621</b>
General Fund	\$ 212,260		\$ 204,235
Cash Funds - 2022	\$ 11,124	\$10,840	\$ 1,491
Federal Funds	\$ 26,528		\$ 2,224
<b>Public/Private Utilities</b>	<b>\$ 4,874,261</b>	<b>\$ 3,114,202</b>	<b>\$ 4,575,653</b>
General Fund	\$ 1,770,946		\$ 1,754,108
Cash Funds - 2024	\$ 2,852,249	\$3,114,202	\$ 2,619,864
Federal Funds	\$ 285,272		\$ 235,887
<b>WQ Certifications</b>	<b>\$ 241,479</b>	<b>\$ 30,738</b>	<b>\$ 44,270</b>
General Fund	\$ 9,837		\$ 9,090
Cash Funds - 2018	\$ 231,642	\$30,738	\$ 22,648
Federal Funds	\$ 28,379		\$ 14,713
<b>Total</b>	<b>\$ 11,218,466</b>	<b>\$ 7,949,631</b>	<b>\$ 10,450,604</b>
General Fund	\$ 3,622,602		\$ 3,593,727
Cash Funds	\$ 6,876,041	\$7,949,631	\$ 6,291,766
Federal Funds	\$ 812,264		\$ 637,552

\*The LB spending authority amount represents the clean water sectors.

\*\*Revenue applies to cash funds only. Revenue is billed in the first quarter of the year for the entire fiscal year for Commerce & Industry, MS4, and Public/Private Utilities; therefore revenue is front loaded in the first quarter for these three sectors. The remaining sectors receive funding throughout the year. This total includes collected cash fund revenues only.

## Appendix B Permit modifications

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[List of permit modifications](#) completed from 10/2021-9/2022.

## Appendix B - Permit Modifications

PermitID	Sector	Permittee
COX634075	Public and private utilities	Fort Garland Water Sanitation Dist
COX634035	Public and private utilities	Sky Ranch Horn Creek
COR901454	Commerce and industry	Smyrna Ready Mix Concrete, LLC
COR900418	Commerce and industry	CMC Materials EC Inc
COR900344	Commerce and industry	Smyrna Ready Mix Concrete, LLC
COR900305	Commerce and industry	Smyrna Ready Mix Concrete, LLC
COR900250	Commerce and industry	Smyrna Ready Mix Concrete, LLC
COR900249	Commerce and industry	Smyrna Ready Mix Concrete, LLC
COR900247	Commerce and industry	Smyrna Ready Mix Concrete, LLC
COR900226	Commerce and industry	Smyrna Ready Mix Concrete, LLC
COR900225	Commerce and industry	Smyrna Ready Mix Concrete, LLC
COR900252	Commerce and industry	Smyrna Ready Mix Concrete, LLC
COX634063	Public and private utilities	MHC Blue Mesa RV, L.L.C.
COR900166	Commerce and industry	Vestas Nacelles America Inc
COR901001	Commerce and industry	Nucor Harris Rebar Salt Lake inc. (dba Nucor Harri
COR901196	Commerce and industry	Holcim - WCR Inc
COR900818	Commerce and industry	CAE-Doss Aviation Inc
COG501978	Commerce and industry	Kilgore Companies LLC dba Elam Construction Inc
COR900690	Commerce and industry	CAES Colorado Springs LLC
COR900767	Commerce and industry	Waste Management of Colorado Inc
COG604377	Construction	Noble Midstream Services LLC
COX631014	Public and private utilities	Div Htr Estes Park LLC
COG840019	Commerce and industry	Impetro Resources LLC
COG502196	Commerce and industry	Kilgore Companies LLC dba Elam Construction Inc
COG589157	Public and private utilities	Ouray City of
COG501574	Commerce and industry	Brannan Sand and Gravel Co LLC
COR900475	Commerce and industry	Pepsi Cola Bottling Group
COG502124	Commerce and industry	Connell Resources Inc
COR900820	Commerce and industry	Metro Water Recovery
COR901451	Commerce and industry	Expedition Water Solutions Colorado LLC
COR901131	Commerce and industry	Expedition Water Solutions Colorado LLC
COR901182	Commerce and industry	TS Landfill LLC
COG501797	Commerce and industry	GCC Rio Grande Inc
COG589010	Public and private utilities	Purgatory Metro Dist
COX631003	Public and private utilities	Appogee Kazmira LLC
COG501919	Commerce and industry	Kilgore Companies LLC dba Elam Construction Inc
COR900569	Commerce and industry	Dexter Site LLC
COR070223	MS4	Colorado State University Pueblo
COR900799	Commerce and industry	70 West Trucking LLC
COR901370	Commerce and industry	American Soda LLC
COR403450	Construction	Park Creek Metropolitan District
COR406770	Construction	High Country Construction of Durango, L.L.C.
COR401336	Construction	Denver International Airport
COR400011	Construction	2 Rivers Development LLC
COG318047	Construction	Denver Water

COR401527	Construction	Elite Properties of America Inc
COR410357	Construction	Legend Partners
COR412706	Construction	Brinkmann Constructors
COR403362	Construction	Oakwood Homes LLC
COR407952	Construction	Oakwood Homes LLC
COG080269	Construction	Lions View, LLC
COG318076	Construction	University of Colorado
COR413477	Construction	Tri Pointe Homes
COR411500	Construction	Milender White Construction Company
COR412532	Construction	BT Construction
COG080297	Construction	Global Diving and Salvage
COR405217	Construction	Oakwood Homes LLC
COR412566	Construction	Scott Contracting
COR410417	Construction	JM Weston Homes LLC
COR405847	Construction	Wonderland Homes
COR403368	Construction	Oakwood Homes LLC
COR405319	Construction	Oakwood Homes LLC
COR411305	Construction	Bemas Construction
COR404338	Construction	Shea Homes LP
COR413327	Construction	Tralon Homes, LLC
COR412676	Construction	Tralon Homes LLC
COR412845	Construction	Waner Construction Company
COR413269	Construction	Richmond American Homes of Colorado, Inc.
COR412198	Construction	FTL Land Assemblage LLLP
COG080232	Construction	BT Construction
COR409004	Construction	Bridgewater Homes LLC
COR408951	Construction	GH Phipps Construction
COR412461	Construction	GLH Construction LLC
COR410159	Construction	Tralon Homes, LLC
COR410197	Construction	Campbell Homes LLC
COR412058	Construction	Baseline Metro District
COR402164	Construction	Heron Lakes Investments LLC
COR406696	Construction	Public Service Company of Colorado (PSCo)
COR410672	Construction	Melody Homes, Inc
COR407866	Construction	A&R Construction Management & Development, LLC
COR407571	Construction	Lennar Colorado LLC
COG080209	Construction	BT Construction, Inc.
COR400838	Construction	Century Communities Inc
COR410781	Construction	Toll Southwest, LLC
COR410574	Construction	American Legend Homes
COR403360	Construction	Oakwood Homes
COR411011	Construction	ESCO Construction Co.
COG318036	Construction	Hunter Ridge Energy Services, LLC
COR400196	Construction	AP Mountain States LLC
COR410636	Construction	Lennar Colorado LLC
COR402544	Construction	Kevamra LLC
COR411552	Construction	Parkwood Homes Stapleton LLC



COR401527	Construction	Elite Properties of America Inc
COR410357	Construction	Legend Partners
COR412706	Construction	Brinkmann Constructors
COR403362	Construction	Oakwood Homes LLC
COR407952	Construction	Oakwood Homes LLC
COG080269	Construction	Lions View, LLC
COG318076	Construction	University of Colorado
COR413477	Construction	Tri Pointe Homes
COR411500	Construction	Milender White Construction Company
COR412532	Construction	BT Construction
COG080297	Construction	Global Diving and Salvage
COR405217	Construction	Oakwood Homes LLC
COR412566	Construction	Scott Contracting
COR410417	Construction	JM Weston Homes LLC
COR405847	Construction	Wonderland Homes
COR403368	Construction	Oakwood Homes LLC
COR405319	Construction	Oakwood Homes LLC
COR411305	Construction	Bemas Construction
COR404338	Construction	Shea Homes LP
COR413327	Construction	Tralon Homes, LLC
COR412676	Construction	Tralon Homes LLC
COR412845	Construction	Waner Construction Company
COR413269	Construction	Richmond American Homes of Colorado, Inc.
COR412198	Construction	FTL Land Assemblage LLLP
COG080232	Construction	BT Construction
COR409004	Construction	Bridgewater Homes LLC
COR408951	Construction	GH Phipps Construction
COR412461	Construction	GLH Construction LLC
COR410159	Construction	Tralon Homes, LLC
COR410197	Construction	Campbell Homes LLC
COR412058	Construction	Baseline Metro District
COR402164	Construction	Heron Lakes Investments LLC
COR406696	Construction	Public Service Company of Colorado (PSCo)
COR410672	Construction	Melody Homes, Inc
COR407866	Construction	A&R Construction Management & Development, LLC
COR407571	Construction	Lennar Colorado LLC
COG080209	Construction	BT Construction, Inc.
COR400838	Construction	Century Communities Inc
COR410781	Construction	Toll Southwest, LLC
COR410574	Construction	American Legend Homes
COR403360	Construction	Oakwood Homes
COR411011	Construction	ESCO Construction Co.
COG318036	Construction	Hunter Ridge Energy Services, LLC
COR400196	Construction	AP Mountain States LLC
COR410636	Construction	Lennar Colorado LLC
COR402544	Construction	Kevamra LLC
COR411552	Construction	Parkwood Homes Stapleton LLC

COR408421	Construction	Aspen View Homes
COR413329	Construction	Moltz Construction, Inc.
COR411365	Construction	Brinkman Construction
COR413870	Construction	Tri Pointe Homes, Inc.
COR400413	Construction	Berthoud Homes LLC
COR403369	Construction	Oakwood Homes LLC
COR410596	Construction	Evergreen – Mesa Ridge + Syracuse, LLC
COR407868	Construction	Oakwood Homes, LLC
COR406924	Construction	Water Valley Land Company
COR411101	Construction	TF Johnstown Farms, L.P.
COR409683	Construction	Meritage Homes of Colorado Inc
COR403370	Construction	Oakwood Homes LLC
COR406548	Construction	Meritage Homes of Colorado Inc
COR408557	Construction	Wonderland Homes
COR410562	Construction	Infinity Communities
COR407088	Construction	Infinity Communities, Inc.
COR409014	Construction	Donna and the Renovators
COR411576	Construction	Covington Homes LLC
COG080217	Construction	Connell Resources, Inc.
COR409633	Construction	EVT Parker Colorado LLC., C/O Eisenberg Company
COR414342	Construction	Arc Valley Construction
COR411649	Construction	Castle Rock Construction Company of Colorado, LLC
COR400044	Construction	610 RLLLP
COR412242	Construction	Connell Resources, Inc.
COR401174	Construction	Creekstone Homes Inc
COR402785	Construction	Lennar Colorado LLC
COR405180	Construction	Lennar Colorado LLC
COG076921	Construction	Noble Energy, Inc.
COR405572	Construction	M.A. Mortenson Company
COR411606	Construction	Grand Mesa Operating Company
COR401792	Construction	Galt Building Co
COR406372	Construction	FoCo Industrial Dev., LLC
COR402505	Construction	KB Home Colorado Inc
COR403842	Construction	RE II Industrial II LLC
COR404629	Construction	Terracina Custom Homes LLC
COR400500	Construction	Boulder Creek Neighborhoods LLC
COR412960	Construction	Richmond American Homes of Colorado, Inc.
COR403932	Construction	Richmond American Homes of Colorado Inc
COR409885	Construction	Taylor Morrison Colorado, Inc.
COR411840	Construction	KB Home Colorado Inc
COR407665	Construction	Lennar Multifamily Communities, LLC
COR407291	Construction	KB Home Colorado, Inc.
COR412156	Construction	AMH Development, LLC
COR414190	Construction	Okland Construction
COR407064	Construction	Hartford Homes LLC
COR413349	Construction	SMH West, LLC
COR409695	Construction	Crow Creek Construction, LLC

COR402257	Construction	HT Canyons South Development LP
COR400584	Construction	Brookfield Residential Colorado LLC
COG317051	Construction	Tri Pointe Homes, Inc.
COG080342	Construction	Kiewit Infrastructure Co.
COR410427	Construction	Fletemeyer Homes LLC
COR412682	Construction	K2 Residential Solutions
COR403237	Construction	Nash Inspiration LLC
COR403054	Construction	Meritage Homes of Colorado Inc
COR412413	Construction	Colorado 80 Holdings, LLC
COR404458	Construction	Barefoot LLC
COR408723	Construction	Tri Pointe Homes, Inc
COR403166	Construction	MREC Oakwood Colorado Ranch LLC
COR400917	Construction	Chronos Property, LLC
COR412861	Construction	Aspen View Homes, LLC
COR404733	Construction	Tri Pointe Homes Inc
COR410560	Construction	RAINDANCE AQUATIC INVESTMENTS, LLC
COR414558	Construction	Taylor Kohrs
COG080071	Construction	Northern Colorado Constructors, Inc.
COR411363	Construction	Saunders Construction, LLC
COR414412	Construction	Public Service Company of Colorado
COR412976	Construction	David Weekley Homes
COR408244	Construction	Taproot Rockies Midstream
COR405530	Construction	SJ Louis Construction of Texas
COR401903	Construction	GLH Construction Inc
COR405484	Construction	BT Construction, Inc.
COR400631	Construction	C & C Land LLC
COR400632	Construction	C & C Land LLC
COR402995	Construction	Mckinney Classic 3 LLC
COR400884	Construction	Challenger Communities LLC
COR412544	Construction	David Weekley Homes
COR400882	Construction	Challenger Building LLC
COR409936	Construction	Northern Colorado Constructors
COR410114	Construction	Shaw LTD
COR406502	Construction	Lennar Colorado, LLC
COR402806	Construction	Lennar Colorado LLC
COG080358	Construction	Boulder County Public Works
COR409460	Construction	Tralon Homes, LLC.
COR405344	Construction	AP Mountain States, LLC
COR412614	Construction	DFH Mandarin, LLC
COR406554	Construction	Elite Properties of America, Inc.
COR413980	Construction	Catamount Constructors Inc.
COR410098	Construction	Lennar Colorado LLC
COR405493	Construction	AP Mountain States, LLC
COR405479	Construction	JB Homes LLC
COR400841	Construction	Century Communities Inc
COR401829	Construction	Gateway North Holdings LLC
COG318008	Construction	100 St Paul LLC

COR407655	Construction	David Weekley Homes
COR412794	Construction	All Pro Capital, LLC
COR401049	Construction	Community Development Group
COR410698	Construction	Lennar Colorado LLC
COR406019	Construction	Lennar Colorado LLC
COR409448	Construction	Lennar Colorado LLC
COR411974	Construction	BLH No. 2, LLC
COR400820	Construction	Centerra Metropolitan District No 1
COG317035	Construction	Vortex Services LLC
COR410779	Construction	Towner Wind Energy, LLC
COR413585	Construction	OTB Supply Inc.
COR414168	Construction	KB Home, Colorado
COR410941	Construction	THB Baseline LLC
COR412345	Construction	Murray & Stafford, Inc.
COR413609	Construction	Richfield Homes, LLC
COR410710	Construction	Timberridge Development Group, LLC
COR414860	Construction	Oakwood Homes
COR411441	Construction	Garney Construction
COR410757	Construction	Oakwood Homes LLC
COR410495	Construction	Crow Creek Construction
COR404272	Construction	Second Creek Development
COR407128	Construction	Forest Lakes Residential Development LLC
COR409907	Construction	Connell Resources, Inc.
COR411586	Construction	Redlands Three Sixty LLC
COR412919	Construction	Mayberry Communities
COR411592	Construction	Pure Cycle Corporation
COR403790	Construction	Pure Cycle Corp
COR409079	Construction	Polo Brown Company
COR412933	Construction	GLH Construction LLC
COR403453	Construction	Mortenson Construction
COR414486	Construction	Melody Homes
COR410674	Construction	Melody Homes, Inc.
COR411483	Construction	J & J Livestock, Inc.
COR414374	Construction	Melody Homes
COR401353	Construction	Development Management Inc
COR407980	Construction	Naranjo Civil Constructors Inc.
COR408268	Construction	AP Mountain States, LLC
COR403361	Construction	Oakwood Homes LLC
COR403455	Construction	Park Creek Metropolitan District
COR414077	Construction	Brinkmann Constructors
COR406053	Construction	Lennar Colorado LLC
COR409782	Construction	Maple Multi-Family Operations, L.L.C.
COR411289	Construction	Coyote Ridge Construction, LLC
COR411608	Construction	BNBuilders, Inc
COR404989	Construction	Western Constructors, Inc.
COR409840	Construction	Century Communities, Inc.
COR414208	Construction	Reynolds Construction, LLC

COR412988	Construction	Toll Southwest, LLC
COR414065	Construction	McCarthy Building Companies
COR402121	Construction	Hartford Construction LLC
COR401471	Construction	East Ridge Holding LLC
COR402425	Construction	Jefferson Center Metro Dist
COR413711	Construction	Catamount Constructors, Inc.
COR402579	Construction	Kitchel Lake Partners LLC
COR413901	Construction	Maximum Services, Inc.
COR409742	Construction	CND-Trailside, LLC
COR414204	Construction	Campbell Construction JD, Inc.
COR407637	Construction	Century Communities, Inc.
COR408945	Construction	WE O'Neil Construction Company of Colorado
COR402022	Construction	Granite Falls GJ LLC
COR411409	Construction	Lennar Colorado LLC
COR408573	Construction	Lennar Colorado LLC
COR407417	Construction	Brinkmann Constructors
COR411375	Construction	Meritage Homes of Colorado, Inc
COR403747	Construction	Public Service Co of Colorado
COR401168	Construction	Craft Bandera Acquisition Company LLC
COR414886	Construction	Roche Constructors, Inc.
COR403014	Construction	Melody Homes
COR409970	Construction	Melody Homes, Inc
COR414896	Construction	American West Construction, LLC
COR411744	Construction	Ancon II Constructors, Inc.
COR400539	Construction	Brighton Crossing Residential LLC
COR410871	Construction	David Weekley Homes
COR400792	Construction	Graham Contracting Ltd
COR411804	Construction	American Civil Constructors
COR411063	Construction	Vantage Homes Corp.
COR411479	Construction	Public Service Company of Colorado
COR411083	Construction	Forestar (USA) Real Estate Group Inc.
COR403858	Construction	Red Tail Development
COR408655	Construction	The Garrett Construction Company, LLC
COR411447	Construction	Copper Homes Limited
COR407361	Construction	Poudre School District
COR070205	MS4	E470 Public Highway Authority
COR404117	Construction	Rocky Mountain Natural Gas LLC
COG315589	Construction	Hines
COR413611	Construction	Richfield Homes, LLC
COR409794	Construction	ECI Site Construction Management, INC
COR413691	Construction	Crow Creek Construction, LLC
COR414278	Construction	Black Hills Energy
COR403958	Construction	Richmond American Homes of Colorado Inc
COR412843	Construction	COLA, LLC
COR406278	Construction	Challenger Building, LLC
COR407892	Construction	Raindance Land Company, LLC
COR404159	Construction	Sage Homes LLC

COR412847	Construction	W.E. O'Neil Construction Company of Colorado
COR400538	Construction	Brighton City of
COR406404	Construction	Catamount Constructors Incorporated
COR415152	Construction	Public Service Company of Colorado
COR402239	Construction	Horizon View Homes LLC
COR404847	Construction	Vanguard Homes, Inc.
COR403936	Construction	Richmond American Homes of Colorado Inc
COR410085	Construction	Elite Properties of America, Inc.
COR410369	Construction	Elite Properties of America, Inc.
COR413323	Construction	Evergreen Development Company-2020, L.L.C
COR412381	Construction	Gray Homes Inc
COR402571	Construction	Kiowa Park LLC
COR411564	Construction	Covington Homes LLC
COR401254	Construction	David Weekley Homes
COR413643	Construction	Golden Triangle Construction
COR404124	Construction	Covington Homes LLC
COR408052	Construction	Connell Resources, Inc.
COR405046	Construction	Taylor Morrison of Colorado Inc
COR414384	Construction	Funk Development and Construction
COG080134	Construction	Garney Construction
COG080242	Construction	Garney Construction Co.
COG080290	Construction	Garney Construction Co.
COG080239	Construction	Garney Construction Co.
COR407862	Construction	Toll Southwest LLC
COR412012	Construction	Century Communitites, Inc.
COR410185	Construction	Richmond American Homes of Colorado Inc
COG080397	Construction	SMH West, LLC
COG080398	Construction	Ralph L Wadsworth Construction Company, LLC
COR413465	Construction	Challenger Building, LLC
COR404340	Construction	Shea Homes LP
COR406920	Construction	Shea Homes LP
COR404337	Construction	Shea Homes LP
COR404341	Construction	Shea Homes LP
COR404848	Construction	Vanguard Homes Inc
COR403786	Construction	Pulpit Rock Investments LLC
COR412130	Construction	MVR-2 Development, Inc.
COR401253	Construction	David Weekley Homes
COR408751	Construction	Richfield Homes, LLC
COR405945	Construction	Prosper Land and Development
COR412849	Construction	Bryan Construction, Inc.
COR414934	Construction	Aspen View Homes, LLC
COR403914	Construction	Richfield Homes LLC
COG318042	Construction	Denver Water
COR413407	Construction	Community Development Group of Erie, Inc.
COR401150	Construction	Coyote Ridge Construction LLC
COR410297	Construction	Oakwood Homes LLC
COR405667	Construction	Ridgeline Homes, LLC

COR400077	Construction	Aerotropolis Area Coordinating Metro District
COR414788	Construction	J. Kahn Custom Homes, Inc.
COR414720	Construction	Castle Rock Development Company
COG080310	Construction	F&M Construction, Inc.
COR407204	Construction	Castle Rock Development Company
COR405760	Construction	Richmond American Homes of Colorado, Inc.
COR414730	Construction	Meritage Homes of Colorado, Inc
COG317061	Construction	Iron Woman Construction & Environmental Services, LLC
COR411904	Construction	Century Communities, Inc.
COR415298	Construction	Connell Resources, Inc.
COR415088	Construction	Connell Resources, Inc.
COR414734	Construction	Fransen Pittman
COR405843	Construction	Fransen Pittman General Contractors
COR412586	Construction	Kinder Morgan, Inc.
COR415045	Construction	SMH West, LLC
COR413351	Construction	American Legend Homes
COR406512	Construction	Century Communities, Inc.
COR411295	Construction	Murphy Oil USA, Inc.
COR414980	Construction	Roberts Excavation Corporation
COR415450	Construction	Epic Homes
COR414097	Construction	Embrey Builders, LLC
COR413962	Construction	Colorado Land Acquisition, LLC
COR400582	Construction	Brookfield (Colorado) Management LLC dba Barefoot
COR415262	Construction	Lennar Colorado LLC
COR414970	Construction	United Water and Sanitation District
COR408976	Construction	Koru, Ltd
COR409308	Construction	Heyl Construction
COR409540	Construction	Colorado Civil Group, Inc.
COR404704	Construction	Toll Southwest LLC
COR402798	Construction	Lennar Colorado LLC
COR414744	Construction	Melody Homes
COR405575	Construction	JSM Builders, Inc.
COR408286	Construction	Oakwood Homes LLC
COR403238	Construction	Nash Inspiration LLC
COR408509	Construction	Chartered Development
COG080411	Construction	SMH West LLC
COR411584	Construction	Murray and Stafford, Inc.
COR406813	Construction	Toll Southwest LLC
COR406978	Construction	High Valley Land Company, Inc.
COR414676	Construction	Public Service Company of Colorado
COR410137	Construction	LGI Homes Colorado LLC
COR403607	Construction	Interquest Westside LLC
COR410359	Construction	Forestar (USA) Real Estate Group Inc.
COR403940	Construction	Richmond American Homes of Colorado Inc
COR403060	Construction	Meritage Homes of Colorado Inc
COR412302	Construction	SEMA Construction, Inc.
COR413531	Construction	Forum Investment Group



COR402506	Construction	KB Home Colorado, Inc.
COR415354	Construction	Elite Properties of America, Inc.
COR414538	Construction	Oakwood Homes
COR414053	Construction	Crow Creek Construction, LLC
COR411820	Construction	Shaw Construction
COR411655	Construction	Heyl Construction
COG318044	Construction	Burgwyn Company LLC The
COR403981	Construction	Richmond American Homes of Colorado Inc
COR415454	Construction	Forestar (USA) Real Estate Group Inc.
COR414154	Construction	Ames Construction, Inc.
COR412389	Construction	JHL Constructors, Inc.
COR413878	Construction	W.E. O'Neil Construction Company of Colorado
COR404345	Construction	Shea Properties LLC
COR413343	Construction	Landmark Homes
COR414016	Construction	HEI Civil
COR413050	Construction	Hines
COR406630	Construction	Gold Hill Neighborhood, LLC
COG317048	Construction	Climax Molybdenum Company
COR403572	Construction	Platte River Midstream Inc
COR414536	Construction	Oakwood Homes
COR408797	Construction	Oakwood Homes
COR401920	Construction	Gold Hill Neighborhood LLC
COR403357	Construction	Oakwood Homes LLC
COR415158	Construction	Palace Construction
COR402679	Construction	Landmark Construction Solutions Inc
COR415000	Construction	Landmark Construction Solutions
COR410718	Construction	Cardel Ken Caryl, LLC
COR408657	Construction	Staack Developers Inc.
COR407559	Construction	Challenger Communities LLC
COR404535	Construction	Superior Town Center Metropolitan District 1
COG080360	Construction	SEMA Construction, Inc.
COR403815	Construction	Southshore Metropolitan District No 1
COR413133	Construction	Saunders Construction, LLC
COR414496	Construction	Saunders Construction, LLC
COG317066	Construction	Embrey Builders, LLC
COR403353	Construction	Oakwood Homes LLC
COR416020	Construction	Crow Creek Construction
COR416133	Construction	Campbell Homes, LLC
COR409095	Construction	Tech Contractors
COR401206	Construction	Richmond American Homes of Colorado, Inc.
COR411679	Construction	HEI Civil
COR413527	Construction	HEI Civil
COR413341	Construction	HEI Civil
COG080229	Construction	Saunders Construction LLC
COR400938	Construction	Clayton Properties Group II
COR415224	Construction	Melody Homes
COR414526	Construction	Melody Homes



COR413930	Construction	Opus Design Build, LLC
COR415552	Construction	Harvey-Cleary Builders
COR416415	Construction	J-25 Land Holdings, LLC c/o AGORA WEST REAL ESTATE GROU
COR414366	Construction	Century Communities, Inc.
COR403614	Construction	PRI 2 LLC
COR400891	Construction	Challenger Homes Inc
COR411315	Construction	Taylor Morrison Colorado, Inc.
COR413421	Construction	Forestar (USA) Real Estate Group Inc.
COR411111	Construction	Forestar (USA) Real Estate Group Inc.
COR412899	Construction	Northwest Pipeline LLC
COR415419	Construction	Aspen View Homes, LLC
COR400886	Construction	Challenger Communities LLC
COR408074	Construction	Gold Hill Neighborhood, LLC
COR412626	Construction	Holcim - WCR, Inc.
COR415228	Construction	Iron Woman Construction & Environmental Services, LLC
COR414478	Construction	American Legend Homes
COR408218	Construction	Nash Inspiration, LLC
COR416141	Construction	BT Construction, Inc.
COR090100	MS4	Mesa County
COG500250	Commerce and industry	Holcim - WCR, inc.
COG502028	Commerce and industry	Martin Marietta Materials Inc
COR410610	Construction	Covington Homes
COR416297	Construction	ECI Site Construction Management INC
COR413237	Construction	Siete, Inc.
COR404391	Construction	Sneddon Built LLC
COR414916	Construction	Quantum 56 Phase I LLC
COR415332	Construction	Oakwood Homes
COR400559	Construction	Brinkman Construction Inc
COR412893	Construction	JHL Constructors
COR409276	Construction	Flatirons Habitat for Humanity
COR415196	Construction	HEI Civil
COG080443	Construction	RN Civil Construction LLC
COR403748	Construction	Public Service Co of Colorado
COR403751	Construction	Public Service Co of Colorado
COR415511	Construction	Coyote Ridge Construction, LLC
COR411009	Construction	Bryan Construction, Inc.
COR413147	Construction	KB Home Colorado Inc
COR410602	Construction	Hensel Phelps
COR400274	Construction	Aspen Skiing Co LLC
COR402892	Construction	Evergreen Devco, Inc.
COR408358	Construction	Landmark Homes
COR412106	Construction	Century Communities, Inc.
COR412334	Construction	Crow Creek Construction
COR415183	Construction	GLH Construction LLC
COR415463	Construction	Wonderland Homes (As registered Trade Name of GH Colora
COR403355	Construction	Oakwood Homes LLC
COR414548	Construction	Century Communities, Inc.

COR411157	Construction	Belford North Metropolitan District
COR415296	Construction	Craft Bandera Acquisition Company, LLC
COG317068	Construction	KB Home Colorado Inc
COR415370	Construction	Scott Contracting, Inc.
COR412766	Construction	Public Service Company of Colorado (PSCo)
COR409520	Construction	Richmond American Homes of Colorado Inc.
COR411752	Construction	Golden Triangle Construction
COR412074	Construction	Coyote Ridge Construction
COR415550	Construction	Coyote Ridge Construction
COR416520	Construction	Baseline Metro District
COR411267	Construction	Erie Land Company, LLC
COR416546	Construction	Public Service Company of Colorado (PSCo)
COR415098	Construction	Melody Homes
COR416113	Construction	LGI Homes - Colorado, LLC
COR411689	Construction	New Leaf Properties, Inc.
COR416429	Construction	Saunders Heath
COR402568	Construction	Kinder Morgan Inc
COR409756	Construction	Oakwood Homes
COG080418	Construction	JALISCO INTERNATIONAL, INC.
COR415292	Construction	Craft Bandera Acquisition Company, LLC
COG080432	Construction	COLA, LLC
COR412764	Construction	Public Service Company of Colorado (PSCo)
COG080473	Construction	Area Coordinating Metro District
COR407447	Construction	Redlands Mesa Holdings, LLC
COR414314	Construction	Trumark Homes Colorado LLC
COR413503	Construction	Boulder Creek EC II LLC
COR414419	Construction	Shaw Construction LLC
COR410801	Construction	Kinston Metropolitan District No 1
COR414394	Construction	Carmel Construction Colorado, LLC
COG080472	Construction	SEMA Construction, Inc.
COR413072	Construction	DeFalco Construction Company
COR407046	Construction	TRI Pointe Homes Inc
COR401765	Construction	Front Range Investment Holdings LLC
COR412286	Construction	DFH Mandarin LLC
COR413952	Construction	Mass Equities, Inc.
COR404332	Construction	Shaw Ltd
COR409556	Construction	Art C. Klein Construction
COR416641	Construction	Golden Triangle Construction
COG317047	Construction	Alliance Construction Solutions, LLC
COR412387	Construction	Axia Contracting, LLC
COR413017	Construction	Native Excavating
COR415514	Construction	Montebella Homes Llc.
COG500032	Commerce and industry	Larimer County
COR402821	Construction	Evergreen Devco, Inc.
COR416253	Construction	Transportation Technology Center, Inc.
COG317062	Construction	29X Landco LLC
COR411139	Construction	Richmond American Homes of Colorado Inc.

COR416524	Construction	Horizon View Homes LLC
COR407908	Construction	JKL Associates, LLC
COR403104	Construction	MMC Two LLC
COR402519	Construction	KB Home Colorado Inc
COR414924	Construction	Martines Palmeiro Construction, LLC
COR407723	Construction	Coyote Ridge Construction LLC
COR900841	Commerce and industry	Arapahoe County Water and Wastewater Authority
COR410554	Construction	Crow Creek Construction, LLC
COG501529	Commerce and industry	Strohecker Asphalt and Paving Inc
COG500476	Commerce and industry	Butala Construction Inc
COG501936	Commerce and industry	Connell Resources Inc
COG502187	Commerce and industry	LG Everist Inc
COR413699	Construction	Lennar Colorado LLC
COR400276	Construction	Aspen Skiing Co LLC
COR411856	Construction	SH Lyric, LLC
COR414414	Construction	Fransen Pittman General Contractors
COR400159	Construction	American Legend Homes
COR417019	Construction	FCI Constructors Inc.
COR407860	Construction	Tri Pointe Homes, Inc.
COR412377	Construction	D.R.H. Builders Inc.
COR415344	Construction	Black Hills Energy
COG318107	Construction	Concrete Works of Colorado, Inc.
COR406904	Construction	Center for Strategic Ministry
COR412780	Construction	Crosslands Construction
COR416979	Construction	AP Mountain States, LLC
COR403818	Construction	Raindance Land Company LLC
COR416538	Construction	J. E. Dunn Construction Company
COR411147	Construction	Bridgewater Homes, LLC
COR417253	Construction	SB Joint Venture GC, LLC
COR407812	Construction	Castle Rock Development Company
COR415082	Construction	Challenger Communities, LLC
COR416169	Construction	Richmond American Homes
COR415312	Construction	David Weekley Homes
COG502023	Commerce and industry	GCC Rio Grande Inc
COR415358	Construction	Fransen Pittman General Contractors
COR406043	Construction	Public Service Company of Colorado
COG317078	Construction	Sam's PW Inc.
COR417385	Construction	JHL Constructors, Inc.
COR413641	Construction	Golden Triangle Construction
COR416789	Construction	Saunders Construction, LLC
COR416795	Construction	Public Service Company of Colorado
COR411724	Construction	Campbell Homes
COR411596	Construction	Richmond American Homes of Colorado, Inc.
COR417415	Construction	AMH Development
COR411059	Construction	Wonderland Homes
COG501594	Commerce and industry	Martin Marietta Materials Inc
COR901602	Commerce and industry	MKS Instruments Inc

COR416959	Construction	Wildcat Construction Co. Inc.
COR414856	Construction	Flatirons Constructors, INC.
COR416127	Construction	Melody Homes
COR901353	Commerce and industry	Colorado Springs Utilities
COR406376	Construction	Century Communities, Inc.
COR415338	Construction	Lennar Colorado LLC
COR403228	Construction	Nash Inspiration, LLC
COR416466	Construction	7B Building and Development, LLC
COR416474	Construction	Oakwood Homes
COR410343	Construction	Lennar Colorado LLC
COG080483	Construction	Concrete Express, Inc.
COR411426	Construction	Richmond American Homes of Colorado, Inc.
COR409770	Construction	Tri Pointe Homes, Inc.
COR417045	Construction	Richmond American Homes of Colorado Inc
COR417348	Construction	Baker Construction
COR415172	Construction	Golden Triangle Construction
COR400275	Construction	Aspen Skiing Co LLC
COR900485	Commerce and industry	Swift Beef Co Greeley Value Added
COR405841	Construction	Woodbury Corporation
COR417240	Construction	Oakwood Homes
COR402801	Construction	Lennar Colorado LLC
COR401585	Construction	ESCO Construction Co
COR415278	Construction	Campbell Homes, LLC
COR417634	Construction	Meritage Homes
COR409760	Construction	Aurora Public Schools
COR416665	Construction	Genesis Construction Management, LLC
COR417283	Construction	Shaw Construction, LLC
COR411103	Construction	Interquest Marketplace No. 10. LLC
COR417115	Construction	Horizon View Homes
COR414049	Construction	Marketplace Interquest, LLC
COR406596	Construction	Kelley Trucking Inc.
COG080465	Construction	Inspirada Brighton LLC
COR417737	Construction	Clearwater Capital Holdings, LLC
COR415038	Construction	Bridgewater Homes, LLC
COR409572	Construction	Winsome LLC
COR400961	Construction	Cola LLC
COR400277	Construction	Aspen Skiing Co LLC
COG080227	Construction	ESCO Construction Company
COR402175	Construction	High Country Developers LLC
COR406478	Construction	Toll Southwest, LLC
COR415214	Construction	656 Market Street LLC
COR416825	Construction	Baxter Construction
COR408429	Construction	Horizon View Homes LLC
COR411038	Construction	Hanover R.S. Construction LLC
COR413395	Construction	SEMA Construction
COR417377	Construction	Circle K Stores Inc.
COR409346	Construction	Lennar Colorado LLC

COR411558	Construction	Oakwood Homes, LLC
COR402757	Construction	Lennar Colorado LLC
COR416174	Construction	Quiktrip
COR404004	Construction	Ridgeline Development Corp
COR405341	Construction	Bella Partners, LLC
COG317086	Construction	HCBeck, LTD
COR901490	Commerce and industry	Holcim - WCR Inc
COR402053	Construction	GRVP LLC
COR417093	Construction	Kiewit Infrastructure Co.
COR409677	Construction	AP Mountain States, LLC
COR413411	Construction	Joyce Marketing Group, Inc.
COR402236	Construction	Horizon View Homes LLC
COR412373	Construction	Toll Southwest, LLC
COR415294	Construction	Craft Bandera Acquisition Company, LLC
COR417961	Construction	Dusty Hills Incorporated
COG604395	Construction	Kiewit Infrastructure Co
COR410849	Construction	Cardel Denver Homes, LLC
COR407184	Construction	Hargrave Construction Inc.
COG317024	Construction	Iron Woman Construction and Environmental Services
COR040242	Commerce and industry	Calais Resources Inc
COR412062	Construction	Gorilla Capital CO Saddlehorn Ranch LLC
COR413369	Construction	Catamount Constructors, Inc.
COR416331	Construction	Lennar Colorado LLC
COR417719	Construction	Kiewit Infrastructure Co.
COR417943	Construction	Capital Paving & Construction, LLC
COR416560	Construction	Century Communities, Inc.
COR408709	Construction	Pacific North Enterprises, LLC
COR413768	Construction	Kraemer North America LLC
COG500100	Commerce and industry	Raptor Materials LLC
COR410054	Construction	Becknell Services LLC
COR400878	Construction	Chartered Development Corporation
COR406736	Construction	Eagle Development Company
COR410877	Construction	Tralon Homes, LLC
COR416490	Construction	Fransen Pittman General Contractors
COR416612	Construction	AP Mountain States, LLC
COR413778	Construction	Public Service Company of Colorado
COR414668	Construction	BC Central Park LLC
COR412150	Construction	McStain Constructors LLC
COR416877	Construction	Southern Land Company, LLC
COR416973	Construction	Iron Woman Construction and Environmental Services
COG604341	Construction	Noble Energy Inc
COR416596	Construction	Waner Construction
COX634028	Public and private utilities	Camp IDRAHAJE

## Appendix C Permit backlog detail

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[Permit backlog information](#) used to generate figures in 2022 HB17-1285 report.

## Appendix C Additional Metrics Information

Table C-1 Summary of backlogged permits by permit type

Permit Type	No. of backlogged permits	No. of current permits	Total	Percent of backlogged permits
<b>Groundwater Process Water Individual Permits</b>				
Backlogged permits as of Sept. 30, 2017	15	4	19	79%
Backlogged permits as of Sept. 30, 2018	13	5	18	72%
Backlogged permits as of Sept. 30, 2019	14	3	17	82%
Backlogged permits as of Sept. 30, 2020	11	1	12	92%
Backlogged permits as of Sept. 30, 2021	9	1	10	90%
Backlogged permits as of Sept. 30, 2022	9	1	10	90%
<b>Groundwater Process Water General Permits</b>				
Backlogged permits as of Sept. 30, 2017	135	0	135	100%
Backlogged permits as of Sept. 30, 2018	129	7	136	95%
Backlogged permits as of Sept. 30, 2019	88	45	133	66%
Backlogged permits as of Sept. 30, 2020	54	80	134	40%
Backlogged permits as of Sept. 30, 2021	40	80	120	33%
Backlogged permits as of Sept. 30, 2022	38	80	118	32%
<b>Pesticides Application General Permit</b>				
Backlogged permits as of Sept. 30, 2017	0	73	73	0%
Backlogged permits as of Sept. 30, 2018	0	75	75	0%
Backlogged permits as of Sept. 30, 2019	0	76	76	0%
Backlogged permits as of Sept. 30, 2020	0	79	79	0%
Backlogged permits as of Sept. 30, 2021	0	78	78	0%
Backlogged permits as of Sept. 30, 2022	0	78	78	0%
<b>Surface Water Stormwater Individual Permits</b>				
Backlogged permits as of Sept. 30, 2017	5	2	7	71%
Backlogged permits as of Sept. 30, 2018	6	1	7	86%
Backlogged permits as of Sept. 30, 2019	6	1	7	86%

Permit Type	No. of backlogged permits	No. of current permits	Total	Percent of backlogged permits
Backlogged permits as of Sept. 30, 2020	6	1	7	86%
Backlogged permits as of Sept. 30, 2021	5	2	7	71%
Backlogged permits as of Sept. 30, 2022	4	3	7	57%
<b>Surface Water Individual Permits</b>				
Backlogged permits as of Sept. 30, 2017	123	245	368	33%
Backlogged permits as of Sept. 30, 2018	138	242	380	36%
Backlogged permits as of Sept. 30, 2019	145	238	383	38%
Backlogged permits as of Sept. 30, 2020	163	219	382	43%
Backlogged permits as of Sept. 30, 2021	239	136	375	64%
Backlogged permits as of Sept. 30, 2022	256	115	371	69%
<b>Surface Water Process Water General Permits</b>				
Backlogged permits as of Sept. 30, 2017	296	1,163	1,459	20%
Backlogged permits as of Sept. 30, 2018	291	1,091	1,382	21%
Backlogged permits as of Sept. 30, 2019	855	654	1,509	57%
Backlogged permits as of Sept. 30, 2020	714	624	1,338	53%
Backlogged permits as of Sept. 30, 2021	496	924	1,420	35%
Backlogged permits as of Sept. 30, 2022	917	445	1,362	67%
<b>Surface Water Stormwater General Permits</b>				
Backlogged permits as of Sept. 30, 2017	4,659	884	5,543	84%
Backlogged permits as of Sept. 30, 2018	5,792	61	5,843	99%
Backlogged permits as of Sept. 30, 2019	1,068	5,206	6,274	17%
Backlogged permits as of Sept. 30, 2020	1,064	5,425	6,489	16%
Backlogged permits as of Sept. 30, 2021	1,056	6,085	7,141	15%
Backlogged permits as of Sept. 30, 2022	1,049	6,533	7,582	14%
<b>Total</b>				
Backlogged permits as of Sept. 30, 2017	5,233	2,371	7,604	69%
Backlogged permits as of Sept. 30, 2018	6,369	1,482	7,851	81%



Permit Type	No. of backlogged permits	No. of current permits	Total	Percent of backlogged permits
Backlogged permits as of Sept. 30, 2019	2,176	6,223	8,399	26%
Backlogged permits as of Sept. 30, 2020	2,012	6,429	8,441	24%
Backlogged permits as of Sept. 30, 2021	1,845	7,306	9,151	20%
Backlogged permits as of Sept. 30, 2022	2,273	7,255	9,528	24%

**Table C-2 Summary of backlogged permits by sector**

Permit Type	No. of backlogged permits	No. of current permits	Total	Percent of backlogged permits
<b>Commerce and Industry</b>				
Backlogged permits as of Sept. 30, 2017	288	1,594	1,882	15%
Backlogged permits as of Sept. 30, 2018	1,164	763	1,927	60%
Backlogged permits as of Sept. 30, 2019	1,300	681	1,981	66%
Backlogged permits as of Sept. 30, 2020	1,279	664	1,943	66%
Backlogged permits as of Sept. 30, 2021	1,214	633	1,847	66%
Backlogged permits as of Sept. 30, 2022	1,750	59	1,809	97%
<b>Construction</b>				
Backlogged permits as of Sept. 30, 2017	4,572	312	4,884	94%
Backlogged permits as of Sept. 30, 2018	4,832	257	5,089	95%
Backlogged permits as of Sept. 30, 2019	391	5,191	5,582	7%
Backlogged permits as of Sept. 30, 2020	262	5,490	5,752	5%
Backlogged permits as of Sept. 30, 2021	121	6,353	6,474	2%
Backlogged permits as of Sept. 30, 2022	19	6,872	6,891	0.3%
<b>Municipal Separate Storm Sewer System</b>				
Backlogged permits as of Sept. 30, 2017	65	59	124	52%
Backlogged permits as of Sept. 30, 2018	65	60	125	52%
Backlogged permits as of Sept. 30, 2019	65	60	125	52%
Backlogged permits as of Sept. 30, 2020	66	60	126	52%
Backlogged permits as of Sept. 30, 2021	59	64	123	52%

Permit Type	No. of backlogged permits	No. of current permits	Total	Percent of backlogged permits
Backlogged permits as of Sept. 30, 2022	66	55	121	55%
<b>Pesticides</b>				
Backlogged permits as of Sept. 30, 2017	0	73	73	0%
Backlogged permits as of Sept. 30, 2018	0	75	75	0%
Backlogged permits as of Sept. 30, 2019	0	76	76	0%
Backlogged permits as of Sept. 30, 2020	0	79	79	0%
Backlogged permits as of Sept. 30, 2021	0	78	78	0%
Backlogged permits as of Sept. 30, 2022	0	78	78	0%
<b>Public and Private Utilities</b>				
Backlogged permits as of Sept. 30, 2017	308	333	641	48%
Backlogged permits as of Sept. 30, 2018	310	325	635	49%
Backlogged permits as of Sept. 30, 2019	420	215	635	66%
Backlogged permits as of Sept. 30, 2020	405	233	638	63%
Backlogged permits as of Sept. 30, 2021	451	178	629	72%
Backlogged permits as of Sept. 30, 2022	438	191	629	69%
<b>Total</b>				
Backlogged permits as of Sept. 30, 2017	5,233	2,371	7,604	69%
Backlogged permits as of Sept. 30, 2018	6,369	1,482	7,851	81%
Backlogged permits as of Sept. 30, 2019	2,176	6,223	8,399	26%
Backlogged permits as of Sept. 30, 2020	2,012	6,429	8,441	24%
Backlogged permits as of Sept. 30, 2021	1,845	7,306	9,151	20%
Backlogged permits as of Sept. 30, 2022	2,273	7,255	9,528	24%