

# SOURCEWATER PROTECTION

## STAKEHOLDERS MEETING – 5:30 p.m.

## SPECIAL MEETING - ~6:30 p.m.

- I. **CALL TO ORDER**
  - II. **ROLL CALL**
  - III. **REVIEW AGENDA**
  - IV. **NEW BUSINESS**

- a. Approve/Disapprove/Discuss Adjudicatory Hearing CDPHE to Request Stay of Wastewater Permit Mandates EH Memo Permit Regs
  - b. Approve/Disapprove Retreat Agenda
  - c. Approve/Disapprove Letter of Engagement Blair & Associates

## V. ADJOURN

## REGULAR WORK SESSION - ~7:00 p.m.

- Creede Fireworks
  - Private Event Alcohol
  - Marijuana Follow-Up Discussion
  - Any Other Business

Posted 2/13/15

# OPEN TO THE PUBLIC

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**TO:** Honorable Mayor Grossman and Board of Trustees  
**FROM:** Eric J. Heil, Town Attorney  
**RE:** Creede Waste Water Discharge Permit Modifications  
**DATE:** February 13, 2015

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**SUMMARY:** The Colorado Department of Public Health and Environment ("CDPHE") issued a new Colorado Discharge Permit ("Permit") for Creede's wastewater treatment plant ("WWTP") on January 30, 2015 [attached to this memorandum]. The Permit imposes new and more stringent standards for removal of zinc and cadmium and imposes requirements to reduce ammonia. According to the City's Engineer, the Permit will likely trigger the need to construct a mechanical treatment plant by August, 2019 to reduce ammonia with a rough estimated cost of \$2 Million (or approximately \$5,600 per current waste water tap holder). The process and costs to reduce zinc and cadmium is not estimated but is anticipated to be very expensive. In addition to the capital costs, mechanical plants for reduction of zinc, cadmium and ammonia levels are expected to significantly increase annual operating and maintenance expenses.

The CDPHE Notice of the renewed and modified Permit states that the applicant (City of Creede) may demand an adjudicatory hearing within 30 days. The 30th day is Sunday, March 1, meaning the absolute deadline to file a demand for an adjudicatory hearing is the next business day on March 2, 2015.

**CONFERENCE CALL WITH CDPHE:** Ron McLaughlin, Clyde Dooley and Eric Grossman have a conference call scheduled with CDPHE today and may have more information to provide on this matter. They will request a modification of the Permit to propose to agree to the proposed increased monitoring of various constituents, but will oppose the mandate for Inflow/Infiltration repairs (4.c.), mandate to reduce Dissolved Cadmium and Zinc (5.b), mandate to reduce ammonia levels (5.c.). The Permit sets forth a mandated schedule under which the City of Creede must retain professional consultants by September, 2015 to begin design of system improvements to meet the mandates set forth in the Permit.

**RIGHT TO APPEAL - ADJUDICATORY HEARING:** The City has the right to file a demand for an adjudicatory hearing. An adjudicatory hearing is an administrative appeals process (like mini-court) which has many of the same rules for submitting evidence and which is presided over by a hearing officer or an administrative law judge. The proceedings are recorded and a record is made. Both CDPHE and the City have the right to appeal the results of an adjudicatory hearing to regular court.

The City has the right to request a "Stay" of the Permit mandates during any adjudicatory hearing process. If the City files a demand for an adjudicatory hearing the City should request a Stay. I believe a Stay should be granted because there is no showing of potential immediate harm to the public in granting a Stay of the Permit during an administrative appeals process. The Permit does not take effect until the administrative appeals process is completed if a Stay is granted.

**OPTIONS:** The City's options include: (1) accept the Permit as is and begin the process of retaining consultants, applying for grants, applying for public infrastructure financing, and informing waste water users of anticipated increased costs; (2) accept the Permit and work with CDPHE to approve further

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**City of Creede Board of Trustees**

**CDPHE Waste Water Permit**

**February 13, 2015**

**Page 2 of 2**

modifications on reduced effluent mandates to reduce community costs; or (3) approve filing a demand for an adjudicatory hearing. A rough estimate of costs to file the demand for an adjudicatory hearing and prepare for such hearing is \$10,000 to \$15,000 (including legal, engineering and other costs). The ruling of an adjudicatory hearing can be appealed by either the City or CDPHE and could result in additional similar costs.

**RECOMMENDATION:** I believe that there is opportunity for the City to pursue technical assistance grants funds for engineering and design as well as the potential to obtain grant funds for waste water treatment plant upgrades which could lower the total costs to waste water users. However, this will require considerable additional administrative work for the City (similar to the flume project but with more stringent deadlines). Even if the City files a demand for an adjudicatory hearing, the City should expect that the wastewater treatment plant will require some improvements in the future. I also appreciate the desire to avoid costs associated with an adjudicatory hearing. That said, the new Permit does create a mandate that is expected to impose significant additional cost on all wastewater users in the near future and the only legal option available for the City to challenge the Permit at this time is to file a demand for an adjudicatory hearing. I am hesitant to recommend challenging CDPHE; however, considering the circumstances, I believe demanding an adjudicatory hearing is a very reasonable course of action and would demonstrate local advocacy on behalf of your affected waste water users. Regardless of the course of action, I strongly recommend that the City prepare an informational notice to all wastewater users to inform them of the implications of the new Permit.

**PROPOSED MOTION:** "I move to direct the Town Attorney to file a demand for an adjudicatory hearing on the City of Creede Wastewater Treatment Facility Permit Number CO0040533."

**ATTACHMENTS:**

- CDPHE Permit issued on January 30, 2015
- CDPHE Discharge Permit Regulation 61.7 concerning right to Adjudicatory Hearing

Thank you, Eric



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**Colorado Department  
of Public Health  
and Environment**

**AUTHORIZATION TO DISCHARGE UNDER THE  
COLORADO DISCHARGE PERMIT SYSTEM  
PERMIT NUMBER CO0040533**

In compliance with the provisions of the Colorado Water Quality Control Act, (25-8-101 et seq., CRS, 1973 as amended), for both discharges to surface and ground waters, and the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.; the "Act"), for discharges to surface waters only, the

**City of Creede**

is authorized to discharge from the City of Creede Wastewater Treatment Facility wastewater treatment plant located **in the NW 1/4 of S6, T41N, R1E; Mineral County Airport in Creede, CO 81130; at 37.830556° latitude North and 106.91778° longitude West**

**to Willow Creek and The Rio Grande River**

in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts I and II hereof. All discharges authorized herein shall be consistent with the terms and conditions of this permit.

The applicant may demand an adjudicatory hearing within thirty (30) calendar days of the date of issuance of the final permit determination, per the Colorado State Discharge Permit System Regulation 61.7(1). Should the applicant choose to contest any of the effluent limitations, monitoring requirements or other conditions contained herein, the applicant must comply with Section 24-4-104 CRS 1973 and the Colorado State Discharge Permit System Regulations. Failure to contest any such effluent limitation, monitoring requirement, or other condition, constitutes consent to the condition by the applicant.

This permit and the authorization to discharge shall expire at midnight, February 29, 2020

Issued and Signed this 30<sup>th</sup> day of January 2015

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Janet Kieler, Permits Section Manager  
Water Quality Control Division

**ISSUED AND SIGNED: JANUARY 30, 2015  
EFFECTIVE: MARCH 1, 2015**

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## PART I

### A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

#### 1. Permitted Feature(s)

Beginning no later than the effective date of this permit and lasting through the expiration date, the permittee is authorized to discharge from, and self monitoring samples taken in accordance with the monitoring requirements shall be obtained from permitted feature(s):

**001A following disinfection and prior to mixing with the receiving stream. 37.8301° N, 106.9183833° W**

The location(s) provided above will serve as the point(s) of compliance for this permit and are appropriate as they are located after all treatment and prior to discharge to the receiving water. Any discharge to the waters of the State from a point source other than specifically authorized by this permit is prohibited.

In accordance with the Water Quality Control Commission Regulations for Effluent Limitations, Section 62.4, and the Colorado Discharge Permit System Regulations, Section 61.8(2), 5 C.C.R. 1002-61, the permitted discharge shall not contain effluent parameter concentrations which exceed the following limitations specified below or exceed the specified flow limitation.

#### 2. Limitations, Monitoring Frequencies and Sample Types for Effluent Parameters

In order to obtain an indication of the probable compliance or noncompliance with the effluent limitations specified in Part I.A, the permittee shall monitor all effluent parameters at the frequencies and sample types specified below. Such monitoring will begin immediately and last for the life of the permit unless otherwise noted. The results of such monitoring shall be reported on the Discharge Monitoring Report form (See Part I.D.)

Self-monitoring sampling by the permittee for compliance with the effluent monitoring requirements specified in this permit, shall be performed at the location(s) noted in Part I.A.1 above. If the permittee, using an approved analytical method, monitors any parameter more frequently than required by this permit, then the results of such monitoring shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report Form (DMRs) or other forms as required by the Division. Such increased frequency shall also be indicated.

Percentage Removal Requirements (BOD<sub>5</sub> Limitations) - If noted in the limits table(s), the arithmetic mean of the BOD<sub>5</sub> concentrations for effluent samples collected during the DMR reporting period shall demonstrate a minimum of eighty-five percent (85%) removal of BOD<sub>5</sub>, as measured by dividing the respective difference between the mean influent and effluent concentrations for the DMR monitoring period by the respective mean influent concentration for the DMR monitoring period, and multiplying the quotient by 100.

Oil and Grease Monitoring: For every outfall with oil and grease monitoring, in the event an oil sheen or floating oil is observed, a grab sample shall be collected and analyzed for oil and grease, and reported on the appropriate DMR under parameter 03582. In addition, corrective action shall be taken immediately to mitigate the discharge of oil and grease. A description of the corrective action taken should be included with the DMR.

Total Residual Chlorine: Monitoring for TRC is required only when chlorine is in use.

Flow Recording Device: For this facility, there are two flow recording devices provided and are located at the point of inflow to and discharge from the treatment plant. Reported influent and effluent flows will be used to monitor hydraulic loading to the plant and compliance with the effluent flow limitation.

Metals: Metals concentrations measured in compliance with the effluent monitoring requirements listed in Part I.A of this permit may be used to satisfy any pretreatment or industrial waste management metals monitoring requirements listed in Part I.B.8, if the metals are in the same form (i.e. total). The special sampling procedures (e.g. 24-hour composite samples) specified in Part I.B.8 must be followed.

#### Permitted Feature/Limit Set 001A

| ICIS Code | Effluent Parameter  | Effluent Limitations Maximum Concentrations |               |               | Monitoring Requirements |             |
|-----------|---|---|---------------|---------------|-------------------------|-------------|
|           |   | 30-Day Average                              | 7-Day Average | Daily Maximum | Frequency               | Sample Type |
| 50050     | Effluent Flow (MGD)   | 0.56  | Report        | Daily         | Recorder                |             |
| 00010     | Temp Daily Max (°C) April-Oct <b>Beginning 7/1/2015</b>           |   | Report        | Daily         | Recorder                |             |
| 00010     | Temp Daily Max (°C) Nov-Mar <b>Beginning 7/1/2015</b>             |   | Report        | Daily         | Recorder                |             |
| 00010     | Temp MWAT (°C) April-Oct <b>Beginning 7/1/2015</b>                |   | Report        | Daily         | Recorder                |             |
| 00010     | Temp MWAT (°C) Nov-Mar <b>Beginning 7/1/2015</b>                  |   | Report        | Daily         | Recorder                |             |
| 00400     | pH (su)   |   | 6.5-9         | 5 Days/Week   | Grab                    |             |
| 74055     | Fecal Coliform (#/100 ml) <b>Until 12/31/2015</b>                 | 497   | 994           | Weekly        | Grab                    |             |
| 51040     | E. coli (#/100 ml) <b>Until 12/31/2015</b>                        | Report                                      | Report        | Weekly        | Grab                    |             |
| 51040     | E. coli (#/100 ml) <b>Beginning 1/1/2016</b>                      | 514   | 1028          | Weekly        | Grab                    |             |
| 50060     | TRC (mg/l) <b>Until 12/31/2015</b>                                | 0.5   | 0.5           | 5 Days/Week   | Grab                    |             |
| 50060     | TRC (mg/l) <b>Beginning 1/1/2016</b>                              | 0.045                                       | 0.067         | 5 Days/Week   | Grab                    |             |
| 00610     | Total Ammonia as N (mg/l) <b>Until 8/31/2019</b>                  | 77  | Report        | Weekly        | Grab                    |             |
| 00610     | Total Ammonia as N (mg/l) <b>Beginning 9/1/2019</b>               | January                                     | 14            | 36            | Weekly                  | Grab        |
|           |   | February                                    | 13            | 37            | Weekly                  | Grab        |
|           |   | March                                       | 13            | 34            | Weekly                  | Grab        |
|           |   | April                                       | 9.2           | 31            | Weekly                  | Grab        |
|           |   | May   | 9.3           | 52            | Weekly                  | Grab        |
|           |   | June  | 11            | 77            | Weekly                  | Grab        |
|           |   | July  | 15            | 60            | Weekly                  | Grab        |
|           |   | August                                      | 19            | 62            | Weekly                  | Grab        |
|           |   | September                                   | 19            | 54            | Weekly                  | Grab        |
|           |   | October                                     | 16            | 48            | Weekly                  | Grab        |
|           |   | November                                    | 16            | 38            | Weekly                  | Grab        |
|           |   | December                                    | 14            | 33            | Weekly                  | Grab        |
| 00310     | BOD5, effluent (mg/l)   | 30  | 45            | Monthly       | Grab                    |             |
| 81010     | BOD5 (% removal) <b>Until 1/31/2020</b>                           | Report                                      |               | Monthly       | Calculated              |             |
| 81010     | BOD5 (% removal) <b>Beginning 2/1/2020</b>                        | 85 (min)                                    |               | Monthly       | Calculated              |             |
| 00530     | TSS, effluent (mg/l)  | 75  | 110           | Monthly       | Grab                    |             |
| 84066     | Oil and Grease (visual)   | NA  | Report        | 5 Days/Week   | Visual                  |             |
| 03582     | Oil and Grease (mg/l)   |   | 10            | Contingent    | Grab                    |             |
| 01313     | Cd, PD ( $\mu\text{g/l}$ ) <b>Until 1/31/2020</b>                 | Report                                      | Report        | Monthly       | Grab                    |             |
| 01313     | Cd, PD ( $\mu\text{g/l}$ ) <b>Beginning 2/1/2020 August-March</b> | 0.88  | 2             | Monthly       | Grab                    |             |
| 01313     | Cd, PD ( $\mu\text{g/l}$ ) <b>Beginning 2/1/2020 April-July</b>   | 0.51  | 0.83          | Monthly       | Grab                    |             |
| 01303     | Zn, PD ( $\mu\text{g/l}$ ) <b>Until 1/31/2020</b>                 | Report                                      | Report        | Monthly       | Grab                    |             |
| 01303     | Zn, PD ( $\mu\text{g/l}$ ) <b>Beginning 2/1/2020 August-March</b> | 148   | 306           | Monthly       | Grab                    |             |

|       |  |     |     |         |      |
|-------|--|-----|-----|---------|------|
| 01303 | Zn, PD ( $\mu\text{g/l}$ ) Beginning 2/1/2020 April-July | 136 | 225 | Monthly | Grab |
|-------|--|-----|-----|---------|------|

### 3. Monitoring Frequency and Sample Type Influent Parameters

Regardless of whether or not an effluent discharge occurs and in order to obtain an indication of the current influent loading as compared to the approved capacity specified in Part I.A.3 and Part I.B.2; the permittee shall monitor influent parameters at the following required frequencies, the results to be reported on the Discharge Monitoring Report (See Part I.D):

If the permittee monitors any parameter more frequently than required by the permit, using an approved test procedure or as specified in the permit, the result of this monitoring shall be included in the calculation and reporting of data to the Division.

Self-monitoring samples taken in compliance with the monitoring requirements specified below shall be taken at the following location(s): **Outfall 300I, at a representative point prior to biological treatment.**

Permitted Feature 300I

| ICIS Code | Parameter   | Discharge Limitations Maximum Concentrations |               |            | Monitoring Frequency    | Sample Type             |
|-----------|---|--|---------------|------------|-------------------------|-------------------------|
|           |   | 30-Day Average                               | 7-Day Average | Daily Max. |                         |                         |
| 50050 G   | Flow, mgd   | Report                                       |               | Report     | Continuous <sup>1</sup> | Recorder <sup>1</sup>   |
| 00180 G   | Plant Capacity (% of Capacity - Hydraulic) <sup>1</sup> | Report                                       |               |            | Monthly                 | Calculated <sup>1</sup> |
| 00310 G   | BOD <sub>5</sub> , mg/l                                 | Report                                       | Report        |            | Monthly                 | Composite               |
| 00310 G   | BOD <sub>5</sub> , lbs/day                              | Report                                       | Report        |            | Monthly                 | Calculated              |
| 00180 G   | Plant Capacity (% of Capacity - Organic) <sup>1</sup>   | Report                                       |               |            | Monthly                 | Calculated <sup>1</sup> |
| 00530G    | Total Suspended Solids, mg/l                            | Report                                       | Report        |            | Monthly                 | Composite               |

<sup>1</sup> The % capacity is to be reported against the listed capacities of 0.56 for the hydraulic capacity and 375 for the organic capacities as noted in Site Approval 3600. The percentage should be calculated using the 30-day average values divided by the corresponding capacity, times 100.

### 4. Special Studies and Additional Monitoring

- a. Temperature Monitoring Equipment- The facility is required to install continuous temperature monitoring equipment by July 1, 2015 to comply with the temperature monitoring ‘continuous’ requirements listed Part I.A. 2.
- b. Mixing Zone Analyses – Conduct remaining threshold tests for exclusion from further analysis under Mixing Zone Regulations. The second threshold test is the Application of the Mixing Zone Exclusion Tables (p. 20, Colorado Mixing Zone Implementation Guidance, February 2002). Under this compliance action, the permittee will collect the necessary site-specific data, perform the required analysis, and provide a report to the Division. The report will indicate the findings of this threshold test and, if not excluded, provide the workplan for the next threshold test (i.e., determining of the size of the physical and regulatory mixing zones).

| <b>Code</b> | <b>Event</b>         | <b>Description</b>   | <b>Due Date</b> |
|-------------|----------------------|--|-----------------|
| 50008       | Submit Study Results | Collect site-specific data, perform threshold tests based on Mixing Zone Exclusion Tables, and submit study results.   | 3/31/2016       |
| 50008       | Submit Study Results | If a low flow condition is not reached on the receiving water during the first year, the permittee shall collect the site-specific data, perform threshold tests based on Mixing Zone Exclusion Tables, and submit study results.      | 3/31/2017       |
| 50008       | Submit Study Results | If a low flow condition is not reached on the receiving water during the first two years, the permittee shall collect the site-specific data, perform threshold tests based on Mixing Zone Exclusion Tables, and submit study results. | 3/31/2018       |

- c. Inflow/Infiltration Study and Schedule – The permittee shall identify areas where significant I/I exists and begin reducing I/I in accordance with the following schedule.

| <b>Code</b> | <b>Event</b>               | <b>Description</b>   | <b>Due Date</b> |
|-------------|----------------------------|--|-----------------|
| 04399       | Inflow/Infiltration Report | Submit a plan that identifies sources of I/I and prioritizes repairs and rehabilitation to the collection system to reduce I/I below 120 gallons per day per capita, monthly average influent flow. The plan must be based on a study of the collection system that identifies the areas of the collection system that are contributing significant I/I. A report, summarizing the findings of the study, must be prepared by a professional engineer registered in Colorado, and must accompany the plan.<br><br>The plan must include annual milestones that should correct I/I each year over the next four years beginning January 1, 2016, with elimination of the most significant contributions of I/I beginning first. | 1/1/2016        |
| 04399       | Inflow/Infiltration Report | Submit a progress report summarizing the progress in implementing the I/I control program, including the progress on securing funding for I/I repairs.   | 1/1/2017        |
| 04399       | Inflow/Infiltration Report | Submit a progress report summarizing the progress in implementing the I/I control program, including notification that the first 25% of I/I targeted repairs have been completed.  | 1/1/2018        |
| 04399       | Inflow/Infiltration Report | Submit a progress report summarizing the progress in implementing the I/I control program, including notification that 50% of I/I targeted repairs have been completed.  | 1/1/2019        |
| 04399       | Inflow/Infiltration Report | Submit final study results that indicate that 100% of I/I targeted repairs have been completed and that the 120 gallons per day per capita maximum monthly average influent flow goal is met.  | 1/31/2020       |

## B. TERMS AND CONDITIONS

### 1. Service Area

All wastewater flows contributed in the service area may be accepted by the City of Creede for treatment at the permittee's wastewater treatment plant provided that such acceptance does not cause or contribute to an exceedance of the throughput or design capacity of the treatment works or the effluent limitations in Part I.A, or constitute a substantial impact to the functioning of the treatment works, degrade the quality of the receiving waters, or harm human health, or the environment.

In addition, the permittee shall enter into and maintain service agreements with any municipalities that discharge into the wastewater treatment facility. The service agreements shall contain all provisions necessary to protect the financial, physical, and operational integrity of the wastewater treatment works.

### 2. Design Capacity

Based on Site Approval **3600**, the design capacity of this domestic wastewater treatment works is **0.56 million gallons per day** (MGD) for hydraulic flow (30-day average) and **375 lbs. BODs per day** for organic loading (30-day average).

### 3. Expansion Requirements

Pursuant to Colorado Law, C.R.S. 25-8-501 (5 d & e), the permittee is required to initiate engineering and financial planning for expansion of the domestic wastewater treatment works whenever throughput reaches eighty (80) percent of the treatment capacity. Such planning may be deemed unnecessary upon a showing that the area served by the domestic wastewater treatment works has a stable or declining population; but this provision shall not be construed as preventing periodic review by the Division should it be felt that growth is occurring or will occur in the area.

The permittee shall commence construction of such domestic wastewater treatment works expansion whenever throughput reaches ninety-five (95) percent of the treatment capacity or, in the case of a municipality, either commence construction or cease issuance of building permits within such municipality until such construction is commenced; except that building permits may continue to be issued for any construction which would not have the effect of increasing the input of wastewater to the sewage treatment works of the municipality involved.

Where unusual circumstances result in throughput exceeding 80% of treatment capacity, the permittee may, in lieu of initiating planning for expansion, submit a report to the Division that demonstrates that it is unlikely that the event will reoccur, or even if it were to reoccur, that 95% of the treatment capacity would not be exceeded.

Where unusual circumstances result in throughput exceeding 95% of the treatment capacity, the permittee may, in lieu of initiating construction of the expansion, submit a report to the Division that demonstrates that the domestic wastewater treatment works was in compliance at all times during the events and that it is extremely unlikely that the event will reoccur.

Where the permittee submits a report pursuant to unusual circumstances, and the Division, upon review of such report, determines in writing to the permittee that the report does not support the required findings, the permittee shall initiate planning and/or construction of the domestic wastewater treatment works as appropriate.

### 4. Facilities Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control including all portions of the collection system and lift stations owned by the permittee (and related appurtenances) which are installed or used by the permittee as necessary to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes effective performance, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems when installed by the permittee only when necessary to achieve compliance with the conditions of the permit.

Any sludge produced at the wastewater treatment facility shall be disposed of in accordance with State and Federal regulations. The permittee shall take all reasonable steps to minimize or prevent any discharge of sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. As necessary, accelerated or additional monitoring to determine the nature and impact of the noncomplying discharge is

required.

## 5. Compliance Schedule(s)

- a. Activities to Meet E. Coli and TRC – In order to meet E. coli and TRC limitations, the following schedules are included in the permit.

| <b>Code</b> | <b>Event</b>                                   | <b>Description</b>   | <b>Due Date</b> |
|-------------|--|--|-----------------|
| 00899       | Implementation Schedule                        | Submit a progress report summarizing the progress in implementing the strategies such that compliance with the final E.coli and TRC limitations may be attained. | 08/01/2015      |
| CS017       | Achieve Final Compliance with Discharge Limits | Submit study results that show compliance has been attained with the final E. coli and TRC limitations.  | 12/31/2015      |

- b. Activities to Meet Dissolved Cadmium and Dissolved Zinc Final Limits – In order to meet Dissolved Cadmium and Dissolved Zinc limitations, the following schedules are included in the permit.

| <b>Code</b> | <b>Event</b>             | <b>Description</b>  | <b>Due Date</b> |
|-------------|--------------------------|---|-----------------|
| 43699       | Facility Evaluation Plan | Submit a report that identifies sources of cadmium and zinc to the wastewater treatment facility and identifies strategies to control these sources or treatment alternatives such that compliance with the final limitations may be attained. (e.g. Results of an Industrial User Survey, Infiltration and Inflow Study, Examining Drinking Water Sources, etc.) | 1/01/2016       |
| 00899       | Implementation Schedule  | Submit a progress report summarizing the progress in implementing the strategies to control sources such that compliance with the final Dissolved Cadmium and Dissolved Zinc limitations may be attained.   | 1/01/2017       |
| 00899       | Implementation Schedule  | Submit a progress report summarizing the progress in implementing the strategies to control sources such that compliance with the final Dissolved Cadmium and Dissolved Zinc limitations may be attained.   | 1/01/2018       |
| 00899       | Implementation Schedule  | Submit a progress report summarizing the progress in implementing the strategies to control sources such that compliance with the final Dissolved Cadmium and Dissolved Zinc limitations may be attained.   | 1/01/2019       |
| CS017       | Achieve Final Compliance | Submit study results that show compliance has been attained with the final Dissolved Cadmium and Dissolved Zinc limitations.  | 1/31/2020       |

- c. Activities to Meet Total Ammonia – In order to meet Total Ammonia final limits, the following schedule for construction (if deemed necessary by the permittee) are included in the permit.

| <b>Code</b> | <b>Event</b>                   | <b>Description</b>  | <b>Due Date</b> |
|-------------|--------------------------------|---|-----------------|
| 06599       | Hire a Consultant/Professional | Submit a letter of notification that a Colorado licensed engineering consultant has been obtained and funding has been secured for planning aspects | 9/1/2015        |

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| Engineer |  |   |           |
|----------|--|---|-----------|
| CS011    | Plan, Report, or Scope of Work                 | Submit a letter of notification that Preliminary Effluent Limits (PELs) have been received and report progress in obtaining funding for design and construction aspects, and an anticipated schedule for submittal of Site Application and Design.  | 9/1/2016  |
| 73905    | Engineering Plan                               | Submit a letter of notification that funding has been obtained for design and construction aspects, and final plans and specifications have been submitted to the Division. Note that a Site Application and a preliminary design must be submitted and approved by the Division prior to final plans and specifications. | 9/1/2017  |
| CS015    | Commence Required Work or On-Site Construction | Submit a letter of notification that Final Design Approval has been received from the Division and construction has commenced.  | 9/1/2018  |
| CS010    | Status/Progress Report                         | Submit a construction progress report summarizing the progress in construction or other activities.   | 3/1/2019  |
| CS016    | Complete Required Work or On-Site Construction | Complete construction of facilities or other appropriate actions, which will allow the permittee to meet the final limitations.   | 8/31/2019 |

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Regulation 61.8(3)(n)(i) states that a report should be submitted to the Division no later than 14 calendar days following each date identified in the schedule of compliance. The 14 days have already been incorporated into the above dates and therefore all reports are due on or before the date listed in the table.

## 6. Industrial Waste Management

- a. The Permittee has the responsibility to protect the Domestic Wastewater Treatment Works (DWTW), as defined at section 25.8.103(5) of the Colorado Water Quality Control Act, or the Publicly-Owned Treatment Works (POTW), as defined at 40 CFR section 403.3(q) of the federal pretreatment regulations, from pollutants which would cause pass through or interference, as defined at 40 CFR 403.3(p) and (k), or otherwise be incompatible with operation of the treatment works including interference with the use or disposal of municipal sludge.
- b. Pretreatment Standards (40 CFR Section 403.5) developed pursuant to Section 307 of the Federal Clean Water Act (the Act) require that the Permittee shall not allow, under any circumstances, the introduction of the following pollutants to the DWTW from any source of non-domestic discharge:
  - i. Pollutants which create a fire or explosion hazard in the DWTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than sixty (60) degrees Centigrade (140 degrees Fahrenheit) using the test methods specified in 40 CFR Section 261.21;
  - ii. Pollutants which will cause corrosive structural damage to the DWTW, but in no case discharges with a pH of lower than 5.0 s.u., unless the treatment facilities are specifically designed to accommodate such discharges;
  - iii. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the DWTW, or otherwise interfere with the operation of the DWTW;
  - iv. Any pollutant, including oxygen demanding pollutants (e.g., BOD), released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with any treatment process at the DWTW;
  - v. Heat in amounts which will inhibit biological activity in the DWTW resulting in Interference, but in no case heat in such quantities that the temperature at the DWTW treatment plant exceeds forty (40) degrees Centigrade (104 degrees Fahrenheit) unless the Approval Authority, upon request of the DWTW, approves alternate temperature limits;

- vi. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through;
  - vii. Pollutants which result in the presence of toxic gases, vapors, or fumes within the DWTW in a quantity that may cause acute worker health and safety problems;
  - viii. Any trucked or hauled pollutants, except at discharge points designated by the DWTW; and
  - ix. Any specific pollutant that exceeds a local limitation established by the Permittee in accordance with the requirements of 40 CFR Section 403.5(c) and (d).
  - x. Any other pollutant which may cause Pass Through or Interference.
- c. EPA shall be the Approval Authority and the mailing address for all reporting and notifications to the Approval Authority shall be: USEPA 1595 Wynkoop St. 8ENF-W-NP, Denver, CO 80202-1129. Should the State be delegated authority to implement and enforce the Pretreatment Program in the future, the Permittee shall be notified of the delegation and the state permitting authority shall become the Approval Authority.
- d. In addition to the general limitations expressed above, more specific Pretreatment Standards have been and will be promulgated for specific industrial categories under Section 307 of the Act (40 CFR Part 405 et. seq.).
- e. The Permittee must notify the state permitting authority and the Approval Authority, of any new introductions by new or existing industrial users or any substantial change in pollutants from any industrial user within sixty (60) calendar days following the introduction or change. Such notice must identify:
- i. Any new introduction of pollutants into the DWTW from an industrial user which would be subject to Sections 301, 306, or 307 of the Act if it were directly discharging those pollutants; or
  - ii. Any substantial change in the volume or character of pollutants being introduced into the DWTW by any industrial user;
  - iii. For the purposes of this section, adequate notice shall include information on:
    - (A) The identity of the industrial user;
    - (B) The nature and concentration of pollutants in the discharge and the average and maximum flow of the discharge to be introduced into the DWTW; and
    - (C) Any anticipated impact of the change on the quantity or quality of effluent to be discharged from or biosolids or sludge produced at such DWTW.
- iv. For the purposes of this section, an industrial user shall include:
- (A) Any discharger subject to Categorical Pretreatment Standards under Section 307 of the Act and 40 CFR chapter I and subchapter N;
  - (B) Any discharger which has a process wastewater flow of 25,000 gallons or more per day;
  - (C) Any discharger contributing five percent or more of the average dry weather hydraulic or organic capacity of the DWTW treatment plant;
  - (D) Any discharger who is designated by the Approval Authority as having a reasonable potential for adversely affecting the DWTW's operation or for violating any Pretreatment Standard or requirements;
- f. At such time as a specific Pretreatment Standard or requirement becomes applicable to an industrial user of the Permittee, the state permitting authority and/or Approval Authority may, as appropriate:

- i. Amend the Permittee's CDPS discharge permit to specify the additional pollutant(s) and corresponding effluent limitation(s) consistent with the applicable national Pretreatment Standards;
- ii. Require the Permittee to specify, by ordinance, order, or other enforceable means, the type of pollutant(s) and the maximum amount which may be discharged to the Permittee's DWTW for treatment. Such requirement shall be imposed in a manner consistent with the program development requirements of the General Pretreatment Regulations at 40 CFR Part 403; and/or,
- iii. Require the Permittee to monitor its discharge for any pollutant which may likely be discharged from the Permittee's DWTW, should the industrial user fail to properly pretreat its waste.

The state permitting authority and the Approval Authority retains, at all times, the right to take legal action against any source of nondomestic discharge, whether directly or indirectly controlled by the Permittee, for violations of a permit, order or similar enforceable mechanism issued by the Permittee, violations of any Pretreatment Standard or requirement, or for failure to discharge at an acceptable level under national standards issued by EPA under 40 CFR, chapter I, subchapter N. In those cases where a CDPS permit violation has occurred because of the failure of the Permittee to properly develop and enforce Pretreatment Standards and requirements as necessary to protect the DWTW, the state permitting authority and/or Approval Authority shall hold the Permittee and/or industrial user responsible and may take legal action against the Permittee as well as the Industrial user(s) contributing to the permit violation.

## C. DEFINITION OF TERMS

1. "Acute Toxicity" - The acute toxicity limitation is exceeded if the LC50 is at any effluent concentration less than or equal to the IWC indicated in this permit.
2. "Antidegradation limits" – See “Two (2) - Year Rolling Average”.
3. "Chronic toxicity", which includes lethality and growth or reproduction, occurs when the NOEC and IC25 are at an effluent concentration less than the IWC indicated in this permit.
4. "Composite" sample is a minimum of four (4) grab samples collected at equally spaced two (2) hour intervals and proportioned according to flow. For a SBR type treatment system, a composite sample is defined as sampling equal aliquots during the beginning, middle and end of a decant period, for two consecutive periods during a day (if possible).
5. "Continuous" measurement, is a measurement obtained from an automatic recording device which continually measures the effluent for the parameter in question, or that provides measurements at specified intervals.
6. "Daily Maximum limitation" for all parameters (except temperature, pH and dissolved oxygen) means the limitation for this parameter shall be applied as an average of all samples collected in one calendar day. For these parameters the DMR shall include the highest of the daily averages. For pH and dissolved oxygen, this means an instantaneous maximum (and/or instantaneous minimum) value. The instantaneous value is defined as the analytical result of any individual sample. For pH and dissolved oxygen, DMRs shall include the maximum (and/or minimum) of all instantaneous values within the calendar month. Any value beyond the noted daily maximum limitation for the indicated parameter shall be considered a violation of this permit. For temperature, see Daily Maximum Temperature.
7. “Daily Maximum Temperature (DM)” is defined in the Basic Standards and Methodologies for Surface Water 1002-31, as the highest two-hour average water temperature recorded during a given 24-hour period. This will be determined using a rolling 2-hour maximum temperature. If data is collected every 15 minutes, a 2 hour maximum can be determined on every data point after the initial 2 hours of collection. Note that the time periods that overlap days (Wednesday night to Thursday morning) do not matter as the reported value on the DMR is the greatest of all the 2-hour averages.

For example data points collected at:

08:15, 08:30, 08:45, 09:00, 09:15, 09:30, 09:45, 10:00, would be averaged for a single 2 hour average data point  
08:30, 08:45, 09:00, 09:15, 09:30, 09:45, 10:00, 10:15, would be averaged for a single 2 hour average data point  
08:45, 09:00, 09:15, 09:30, 09:45, 10:00, 10:15, 10:30, would be averaged for a single 2 hour average data point

This would continue throughout the course of a calendar day. The highest of these 2 hour averages over a month would be reported on the DMR as the daily maximum temperature. At the end/beginning of a month, the collected data should be used

for the month that contains the greatest number of minutes in the 2-hour maximum. Data from 11 pm to 12:59 am, would fall in the previous month. Data collected from 11:01 pm to 1:00 am would fall in the new month.

8. "Dissolved (D) metals fraction" is defined in the Basic Standards and Methodologies for Surface Water 1002-31, as that portion of a water and suspended sediment sample which passed through a 0.40 or 0.45 UM (micron) membrane filter. Determinations of "dissolved" constituents are made using the filtrate. This may include some very small (colloidal) suspended particles which passed through the membrane filter as well as the amount of substance present in true chemical solution.
9. "Geometric mean" for *E. coli* bacteria concentrations, the thirty (30) day and seven (7) day averages shall be determined as the geometric mean of all samples collected in a thirty (30) day period and the geometric mean of all samples taken in a seven (7) consecutive day period respectively. The geometric mean may be calculated using two different methods. For the methods shown, a, b, c, d, etc. are individual sample results, and n is the total number of samples.

Method 1:

$$\text{Geometric Mean} = (a^*b^*c^*d^*...)^{(1/n)} \quad "*" - \text{means multiply}$$

Method 2:

$$\text{Geometric Mean} = \text{antilog} ( [\log(a)+\log(b)+\log(c)+\log(d)+...] / n )$$

Graphical methods, even though they may also employ the use of logarithms, may introduce significant error and may not be used.

In calculating the geometric mean, for those individual sample results that are reported by the analytical laboratory to be "less than" a numeric value, a value of 1 should be used in the calculations. If all individual analytical results for the month are reported to be less than numeric values, then report "less than" the largest of those numeric values on the monthly DMR. Otherwise, report the calculated value.

For any individual analytical result of "too numerous to count" (TNTC), that analysis shall be considered to be invalid and another sample shall be promptly collected for analysis. If another sample cannot be collected within the same sampling period for which the invalid sample was collected (during the same month if monthly sampling is required, during the same week if weekly sampling is required, etc.), then the following procedures apply:

- i. A minimum of two samples shall be collected for coliform analysis within the next sampling period.
- ii. If the sampling frequency is monthly or less frequent: For the period with the invalid sample results, leave the spaces on the corresponding DMR for reporting coliform results empty and attach to the DMR a letter noting that a result of TNTC was obtained for that period, and explain why another sample for that period had not been collected.

If the sampling frequency is more frequent than monthly: Eliminate the result of TNTC from any further calculations, and use all the other results obtained within that month for reporting purposes. Attach a letter noting that a result of TNTC was obtained, and list all individual analytical results and corresponding sampling dates for that month.

10. "Grab" sample, is a single "dip and take" sample so as to be representative of the parameter being monitored.
11. "IC25" or "Inhibition Concentration" is a point estimate of the toxicant concentration that would cause a given percent reduction in a non-lethal biological measurement (e.g. growth or reproduction) calculated from a continuous model (i.e. interpolation method). IC25 is a point estimate of the toxic concentration that would cause a 25-percent reduction in a non-lethal biological measurement.
12. "In-situ" measurement is defined as a single reading, observation or measurement taken in the field at the point of discharge.
13. "Instantaneous" measurement is a single reading, observation, or measurement performed on site using existing monitoring facilities.

14. "LC50" or "Lethal Concentration" is the toxic or effluent concentration that would cause death in 50 percent of the test organisms over a specified period of time.
15. "Maximum Weekly Average Temperature (MWAT)" is defined in the Basic Standards and Methodologies for Surface Water 1002-31, as an implementation statistic that is calculated from field monitoring data. The MWAT is calculated as the largest mathematical mean of multiple, equally spaced, daily temperatures over a seven-day consecutive period, with a minimum of three data points spaced equally through the day. For lakes and reservoirs, the MWAT is assumed to be equivalent to the maximum WAT from at least three profiles distributed throughout the growing season (generally July-September).

The MWAT is calculated by averaging all temperature data points collected during a calendar day, and then averaging the daily average temperatures for 7 consecutive days. This 7 day averaging period is a rolling average, i.e. on the 8<sup>th</sup> day, the MWAT will be the averages of the daily averages of days 2-8. The value to be reported on the DMR is the highest of all the rolling 7-day averages throughout the month. For those days that are at the end/beginning of the month, the data shall be reported for the month that contains 4 of the 7 days.

Day 1: Average of all temperature data collected during the calendar day.  
Day 2: Average of all temperature data collected during the calendar day.  
Day 3: Average of all temperature data collected during the calendar day.  
Day 4: Average of all temperature data collected during the calendar day.  
Day 5: Average of all temperature data collected during the calendar day.  
Day 6: Average of all temperature data collected during the calendar day.  
Day 7: Average of all temperature data collected during the calendar day.

1<sup>st</sup> MWAT Calculation as average of previous 7 days

Day 8: Average of all temperature data collected during the calendar day.

2<sup>nd</sup> MWAT Calculation as average of previous 7 days

Day 9: Average of all temperature data collected during the calendar day.

3<sup>rd</sup> MWAT Calculation as average of previous 7 days

16. "NOEC" or "No-Observed-Effect-Concentration" is the highest concentration of toxicant to which organisms are exposed in a full life cycle or partial life cycle (short term) test, that causes no observable adverse effects on the test organisms (i.e. the highest concentration of toxicant in which the values for the observed responses are not statistically different from the controls). This value is used, along with other factors, to determine toxicity limits in permits.
17. "Potentially dissolved (PD) metals fraction" is defined in the Basic Standards and Methodologies for Surface Water 1002-31, as that portion of a constituent measured from the filtrate of a water and suspended sediment sample that was first treated with nitric acid to a pH of 2 or less and let stand for 8 to 96 hours prior to sample filtration using a 0.40 or 0.45-UM (micron) membrane filter. Note the "potentially dissolved" method cannot be used where nitric acid will interfere with the analytical procedure used for the constituent measured.
18. "Practical Quantitation Limit (PQL)" means the minimum concentration of an analyte (substance) that can be measured with a high degree of confidence that the analyte is present at or above that concentration. The use of PQL in this document may refer to those PQLs shown in Part I.D of this permit or the PQLs of an individual laboratory.
19. "Quarterly measurement frequency" means samples may be collected at any time during the calendar quarter if a continual discharge occurs. If the discharge is intermittent, then samples shall be collected during the period that discharge occurs.
20. "Recorder" requires the continuous operation of a chart and/or totalizer (or drinking water rotor meters or pump hour meters where previously approved.)
21. "Seven (7) day average" means, with the exception of fecal coliform or *E. coli* bacteria (see geometric mean), the arithmetic mean of all samples collected in a seven (7) consecutive day period. Such seven (7) day averages shall be calculated for all calendar weeks, which are defined as beginning on Sunday and ending on Saturday. If the calendar week overlaps two months (i.e. the Sunday is in one month and the Saturday in the following month), the seven (7) day average calculated for that calendar week shall be associated with the month that contains the Saturday. Samples may not be used for more than one (1) reporting period. (See the **"Analytical and Sampling Methods for Monitoring and Reporting Section in Part I.D.5 for guidance on calculating averages and reporting analytical results that are less than the PQL."**)

22. "Thirty (30) day average" means, except for fecal coliform or *E. coli* bacteria (see geometric mean), the arithmetic mean of all samples collected during a thirty (30) consecutive-day period, which represents a calendar month. The permittee shall report the appropriate mean of all self-monitoring sample data collected during the calendar month on the Discharge Monitoring Reports. Samples shall not be used for more than one (1) reporting period. **(See the "Analytical and Sampling Methods for Monitoring and Reporting Section in Part I.D.5 for guidance on calculating averages and reporting analytical results that are less than the PQL).**
23. Toxicity Identification Evaluation (TIE) is a set of site-specific procedures used to identify the specific chemical(s) causing effluent toxicity.
24. "Total Inorganic Nitrogen (T.I.N.)" is an aggregate parameter determined based on ammonia, nitrate and nitrite concentrations. To determine T.I.N. concentrations, the facility must monitor for total ammonia and total nitrate plus nitrite (or nitrate and nitrite individually) on the same days. The calculated T.I.N. concentrations in mg/L shall then be determined as the sum of the analytical results of same-day sampling for total ammonia (as N) in mg/L, and total nitrate plus nitrite (as N) in mg/L (or nitrate as N and nitrite as N individually). From these calculated T.I.N. concentrations, the daily maximum and thirty (30) day average concentrations for T.I.N. shall be determined in the same manner as set out in the definitions for the daily maximum and thirty (30) day average. **(See the "Analytical and Sampling Methods for Monitoring and Reporting Section in Part I.D.5 for guidance on calculating averages and reporting analytical results that are less than the PQL).**
25. "Total Metals" means the concentration of metals determined on an unfiltered sample following vigorous digestion (Section 4.1.3), or the sum of the concentrations of metals in both the dissolved and suspended fractions, as described in Manual of Methods for Chemical Analysis of Water and Wastes, U.S. Environmental Protection Agency, March 1979, or its equivalent.
26. "Total Recoverable Metals" means that portion of a water and suspended sediment sample measured by the total recoverable analytical procedure described in Methods for Chemical Analysis of Water and Wastes, U.S. Environmental Protection Agency, March 1979 or its equivalent.
27. Toxicity Reduction Evaluation (TRE) is a site-specific study conducted in a step-wise process to identify the causative agents of effluent toxicity, isolate the source of toxicity, evaluate the effectiveness of toxicity control options, and then confirm the reduction in effluent toxicity after the control measures are put in place.
28. "Twenty four (24) hour composite" sample is a combination of at least eight (8) sample aliquots of at least 100 milliliters, collected at equally spaced intervals during the operating hours of a facility over a twenty-four (24) hour period. For volatile pollutants, aliquots must be combined in the laboratory immediately before analysis. The composite must be flow proportional; either the time interval between each aliquot or the volume of each aliquot must be proportional to either the wastewater or effluent flow at the time of sampling or the total wastewater or effluent flow since the collection of the previous aliquot. Aliquots may be collected manually or automatically.
29. "Twice Monthly" monitoring frequency means that two samples shall be collected each calendar month on separate weeks with at least one full week between the two sample dates. Also, there shall be at least one full week between the second sample of a month and the first sample of the following month.
30. "Two (2) -Year Rolling Average" (Antidegradation limits)- the average of all monthly average data collected in a two year period. Collection of the data required to calculate a two-year rolling average shall start immediately upon the effective date of the permit, but the data is not reported on a DMR until two years after the effective date of the permit. To calculate a two-year rolling average, add the current monthly average to the previous 23 monthly averages and divide the total by 24. This methodology continues on a rolling basis for the permit term (ie., in the first reporting period use data from month 1 to month 24, in the second reporting period use data from month 2 to month 25, then month 3 to month 26, etc).

Example: Two year rolling average =  $(MA_C + MA_1 + MA_2 + \dots + MA_{23}) \div 24$

MA<sub>C</sub> = Current monthly average

MA<sub>1</sub> = First prior month's monthly average

MA<sub>2</sub> = Second prior month's monthly average

MA<sub>23</sub> = Twenty third prior month's monthly average

Note, if there is not a discharge from the facility in a month during a two year period **do not use zero (0) to represent the data for that month in the calculation**, but do consider that month as part of the two year time span. The denominator in the two-year rolling average calculation will change to represent the actual number of months there was a discharge.

Example: Two year rolling average =  $(30 + 45 + \dots + 25) \div 22$

Current monthly average= 30 mg/l

First prior month's monthly average= no discharge

Second prior month's monthly average= no discharge

Third prior month's monthly average=45 mg/l

Twenty third prior month's monthly average= 25 mg/l

For ammonia, two-year rolling averages may be set up for individual months, or may be grouped together for several months.

When individual months have a specific limit, calculate the two-year rolling average as follows:

Example: Permit is effective Jan 2010 and there is a two-year rolling average limit specific to the month of January.

*January 2010 DMR – Nothing to Report*

*January 2011 DMR – Two-year rolling average =  $(MA_C + MA_1) \div 2$*

*MA<sub>C</sub> = January 2011 monthly average*

*MA<sub>1</sub> = January 2010 monthly average*

*January 2012 DMR – Two-year rolling average =  $(MA_C + MA_1) \div 2$*

*MA<sub>C</sub> = January 2012 monthly average*

*MA<sub>1</sub> = January 2011 monthly average*

Where several months are grouped together and have the same limit, calculate the two-year rolling average as follows:

Example: Permit is effective January 2010 and there is a two-year rolling average limit specific to the months of January, February, and June.

*January, February, June 2010 DMR- Nothing to Report*

*1<sup>st</sup> Reportable DMR – June 2011 DMR:*

*Two year rolling average =  $(MA_C + MA_1 + MA_2 + MA_3 + MA_4 + MA_5) \div 6$*

*MA<sub>C</sub> = June 2011 monthly average*

*MA<sub>1</sub> = February 2011 monthly average*

*MA<sub>2</sub> = January 2011 monthly average*

*MA<sub>3</sub>= June 2010 monthly average*

*MA<sub>4</sub> = February 2010 monthly average*

*MA<sub>5</sub> = January 2010 monthly average*

*2<sup>nd</sup> Reportable DMR – January 2012 DMR:*

*Two year rolling average =  $(MA_C + MA_1 + MA_2 + MA_3 + MA_4 + MA_5) \div 6$*

*MA<sub>C</sub> = January 2012 monthly average*

*MA<sub>1</sub> = June 2011 monthly average*

*MA<sub>2</sub> = February 2011 monthly average*

*MA<sub>3</sub>= January 2011 monthly average*

*MA<sub>4</sub> = June 2010 monthly average*

*MA<sub>5</sub> = February 2010 monthly average .*

**(See the “Analytical and Sampling Methods for Monitoring and Reporting Section in Part I.D.5 for guidance on calculating averages and reporting analytical results that are less than the PQL).**

31. "Visual" observation is observing the discharge to check for the presence of a visible sheen or floating oil.
32. "Water Quality Control Division" or "Division" means the state Water Quality Control Division as established in 25-8-101 et al.)

Additional relevant definitions are found in the Colorado Water Quality Control Act, CRS §§ 25-8-101 *et seq.*, the Colorado Discharge Permit System Regulations, Regulation 61 (5 CCR 1002-61) and other applicable regulations.

## **D. GENERAL MONITORING, SAMPLING AND REPORTING REQUIREMENTS**

### **1. Routine Reporting of Data**

Reporting of the data gathered in compliance with Part I.A or Part I.B shall be on a **monthly** basis. Reporting of all data gathered shall comply with the requirements of Part I.D. (General Requirements). Monitoring results shall be summarized for each calendar month and reported on Division approved discharge monitoring report (DMR) forms (EPA form 3320-1).

The permittee must submit these forms either by mail, or by using the Division's Net-DMR service (when available). If mailed, one form shall be mailed to the Division, as indicated below, so that the DMR is received no later than the 28th day of the following month (for example, the DMR for the first calendar quarter must be received by the Division by April 28th). If no discharge occurs during the reporting period, "No Discharge" shall be reported.

The original signed copy of each discharge monitoring report (DMR) shall be submitted to the Division at the following address:

Colorado Department of Public Health and Environment  
Water Quality Control Division  
WQCD-P-B2  
4300 Cherry Creek Drive South  
Denver, Colorado 80246-1530

The Discharge Monitoring Report forms shall be filled out accurately and completely in accordance with requirements of this permit and the instructions on the forms. They shall be signed by an authorized person as identified in Part I.D.8.

## **2. Annual Biosolids Report**

The permittee shall provide the results of all biosolids monitoring and information on management practices, land application sites, site restrictions and certifications. Such information shall be provided no later than **February 19th** of each year. Reports shall be submitted addressing all such activities that occurred in the previous calendar year. If no biosolids were applied to the land during the reporting period, "no biosolids applied" shall be reported. Until further notice, biosolids monitoring results shall be reported on forms, or copies of forms, provided by the Division. Annual Biosolids Reports required herein, shall be signed and certified in accordance with the Signatory Requirements, Part I.D.1, and submitted as follows:

The original copy of each form shall be submitted to the following address:

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT,  
WATER QUALITY CONTROL DIVISION  
WQCD-PERMITS-B2  
4300 CHERRY CREEK DRIVE SOUTH  
DENVER, COLORADO 80246-1530

A copy of each form shall be submitted to the following address:

WATER PROGRAM REGIONAL BIOSOLIDS PROGRAM  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION VIII,  
1595 WYNKOOP STREET  
DENVER, CO 80202-2466

ATTENTION: BIOSOLIDS PROGRAM MANAGER

### **3. Representative Sampling**

Samples and measurements taken for the respective identified monitoring points as required herein shall be representative of the volume and nature of: 1) all influent wastes received at the facility, including septage, biosolids, etc.; 2) the monitored effluent discharged from the facility; and 3) biosolids produced at the facility. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the influent, effluent, or biosolids wastestream joins or is diluted by any other wastestream, body of water, or substance. Monitoring points shall not be changed without notification to and prior approval by the Division.

### **4. Influent and Effluent Sampling Points**

Influent and effluent sampling points shall be so designed or modified so that: 1) a sample of the influent can be obtained after preliminary treatment and prior to primary or biological treatment and 2) a sample of the effluent can be obtained at a point after the final treatment process and prior to discharge to state waters. The permittee shall provide access to the Division to sample at these points.

### **5. Analytical and Sampling Methods for Monitoring and Reporting**

The permittee shall install, calibrate, use and maintain monitoring methods and equipment, including biological and indicated pollutant monitoring methods. All sampling shall be performed by the permittee according to specified methods in 40 C.F.R. Part 136; methods approved by EPA pursuant to 40 C.F.R. Part 136; or methods approved by the Division, in the absence of a method specified in or approved pursuant to 40 C.F.R. Part 136.

#### **Numeric Limits**

If the permit contains a numeric effluent limit for a parameter, the analytical method and PQL selected for all monitoring conducted in accordance with this permit for that parameter shall be the one that can measure at or below the numeric effluent limit. If all specified analytical methods and corresponding PQLs are greater than the numeric effluent limit, then the analytical method with the lowest PQL shall be used.

When the analytical method which complies with the above requirements has a PQL greater than the permit limit, and the permittee's analytical result is less than the PQL (the PQL achieved by the lab), the permittee shall report "BDL" on the DMR. Such reports will not be considered as violations of the permit limit, as long as the PQL obtained is lower or equal to the PQL in the table below.

When the analytical method which complies with the above requirements has a PQL that is equal to or less than the permit limitation, and the permittee's analytical result is less than the PQL, "< X" (where X = the actual PQL achieved by the laboratory) shall be reported on the DMR. For parameters that have a report only limitation, and the permittee's analytical result is less than the PQL, "< X" (where X = the actual PQL achieved by the laboratory) shall be reported on the DMR.

#### **Report Only Limits**

If the permit contains a report only requirement for a parameter, the analytical method and PQL chosen shall be one that can measure at or below the potential numeric effluent limit(s) (maximum allowable pollutant concentration as shown in the WQA or fact sheet). If all analytical methods and corresponding PQLs are greater than the potential numeric effluent limit(s), then the analytical method with the lowest PQL shall be used.

When the analytical method which complies with the above requirements has a PQL that is equal to or less than the permit limitation, and the permittee's analytical result is less than the PQL, "< X" (where X = the actual PQL achieved by the laboratory) shall be reported on the DMR. For parameters that have a report only limitation, and the permittee's analytical result is less than the PQL, "< X" (where X = the actual PQL achieved by the laboratory) shall be reported on the DMR.

#### **Interim Report Only Followed By a Numeric Limit**

If the permit contains an interim effluent limitation (a limit is report until such time as a numeric effluent limit

becomes effective) for a parameter, the analytical method and PQL chosen for all monitoring conducted in accordance with this permit for the parameter shall be one that can measure to the final numeric effluent limit. If all analytical methods and corresponding PQLs are greater than the final numeric effluent limit (s), then the analytical method with the lowest PQL shall be used.

While the report only limit is effective, the reporting requirements shall follow those under the Report Only Limits section. Once the numeric limit is effective, the reporting requirements shall follow the numeric limits reporting requirements.

#### T.I.N.

For parameters such as TIN, the analytical methods chosen shall be those that can measure to the potential or final numeric effluent limit, based on the sum of the PQLs for nitrate, nitrite and ammonia.

#### Calculating Averages

In the calculation of average concentrations (i.e. daily average, 7- day average, 30-day average, 2-year rolling average) any individual analytical result that is less than the PQL shall be considered to be zero for the calculation purposes. When reporting:

If all individual analytical results are less than the PQL, the permittee shall report either “BDL” or “<X” (where X = the actual PQL achieved by the laboratory), following the guidance above.

If one or more individual results is greater than the PQL, an average shall be calculated and reported. Note that it does not matter if the final calculated average is greater or less than the PQL, **it must be reported as a value**.

Note that when calculating T.I.N. for a single sampling event, any value less than the PQL (for total ammonia, total nitrite, or total nitrate) shall be treated as zero. The T.I.N. concentration for a single sampling event shall then be determined as the sum of the analytical results (zeros if applicable) of same day sampling for total ammonia and total nitrite and total nitrate. From these calculated T.I.N. concentrations, the daily maximum and thirty day average concentrations shall be calculated and must be reported as a value.

#### PQLs

The PQLs for specific parameters, as determined by the State Laboratory (November 2008) are provided below for reference. If the analytical method cannot achieve a PQL that is less than or equal to the permit limit, then the method, or a more precise method, must achieve a PQL that is less than or equal to the PQL in the table below. A listing of the PQLs for further organic parameters that must meet the above requirement can be found in the Division's Practical Quantitation Limitation Guidance Document, July 2008. This document is available on the Division's website at [www.coloradowaterpermits.com](http://www.coloradowaterpermits.com).

These limits apply to the total recoverable or the potentially dissolved fraction of metals.

For hexavalent chromium, samples must be unacidified so dissolved concentrations will be measured rather than potentially dissolved concentrations.

| Effluent Parameter           | Practical Quantitation Limits | Effluent Parameter     | Practical Quantitation Limits |
|------------------------------|-------------------------------|------------------------|-------------------------------|
| Aluminum                     | 50 µg/l                       |                        |                               |
| Arsenic                      | 1 µg/l                        | N-Ammonia              | 1 mg/l                        |
| Barium                       | 5 µg/l                        | N-Ammonia (low-level)  | 50 µg/l                       |
| Beryllium                    | 1 µg/l                        | N-Nitrate/Nitrite      | 0.5 mg/l                      |
| BOD / CBOD                   | 1 mg/l                        | N-Nitrate              | 0.5 mg/l                      |
| Boron                        | 50 µg/l                       | N-Nitrite              | 10 µg/l                       |
| Cadmium                      | 1 µg/l                        | Total Nitrogen         | 0.5 mg/l                      |
| Calcium                      | 20 µg/l                       | Total Phosphorus       | 10 µg/l                       |
| Chloride                     | 2 mg/l                        |                        |                               |
| Chlorine                     | 0.1 mg/l                      | Radium 226             | 1 pCi/l                       |
| Total Residual Chlorine      |                               | Radium 228             | 1 pCi/l                       |
| DPD colorimetric             | 0.10 mg/l                     | Selenium               | 1 µg/l                        |
| Amperometric titration       | 0.05 mg/l                     | Silver                 | 0.5 µg/l                      |
| Chromium                     | 20 µg/l                       | Sodium                 | 0.2 mg/l                      |
| Chromium, Hexavalent         | 20 µg/l                       | Sulfate                | 5 mg/l                        |
| Copper                       | 5 µg/l                        | Sulfide                | 0.2 mg/l                      |
| Cyanide (Direct / Distilled) | 10 µg/l                       | Total Dissolved Solids | 10 mg/l                       |
| Cyanide, WAD+A47             | 10 µg/l                       | Total Suspended Solids | 10 mg/l                       |
| Fluoride                     | 0.1 mg/l                      | Thallium               | 1 µg/l                        |
| Iron                         | 10 µg/l                       | Uranium                | 1 µg/l                        |
| Lead                         | 1 µg/l                        | Zinc                   | 10 µg/l                       |
| Magnesium                    | 20 µg/l                       |                        |                               |
| Manganese                    | 2 µg/l                        | Phenols                | 15 µg/l                       |
| Mercury                      | 0.1 µg/l                      | Nonylphenol D7065      | 10 µg/l                       |
| Mercury (low-level)          | 0.003 µg/l                    | Nonylphenol D7485      | 0.33 µg/l                     |
| Nickel                       | 50 µg/l                       |                        |                               |

## 6. Records

- a. The permittee shall establish and maintain records. Those records shall include, but not be limited to, the following:
  - i. The date, type, exact place, and time of sampling or measurements;
  - ii. The individual(s) who performed the sampling or measurements;
  - iii. The date(s) the analyses were performed;
  - iv. The individual(s) who performed the analyses;
  - v. The analytical techniques or methods used; and
  - vi. The results of such analyses.
  - vii. Any other observations which may result in an impact on the quality or quantity of the discharge as indicated in 40 CFR 122.44 (i)(1)(iii).
- b. The permittee shall retain for a minimum of three (3) years records of all monitoring information, including all original strip chart recordings for continuous monitoring instrumentation, all calibration and maintenance records, copies of all reports required by this permit and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the permittee or when requested by the Division or Regional Administrator.

## 7. Flow Measuring Devices

Unless exempted in Part I.A of this permit, flow metering at the headworks shall be provided to give representative values of throughput and treatment of the wastewater system. The metering device shall be equipped with a local flow indication

instrument and a flow indication-recording-totalization device suitable for providing permanent flow records, which should be in the plant control building.

For mechanical facilities, where influent flow metering is not practical and the same results may be obtained from metering at the effluent end of the treatment facility, this type of flow metering arrangement will be considered, and if approved, noted in Part I.A of this permit. For lagoons, an instantaneous or continuous effluent flow measuring device shall be required in addition to the above described influent flow measuring device.

At the request of the Division, the permittee must be able to show proof of the accuracy of any flow-measuring device used in obtaining data submitted in the monitoring report. The flow-measuring device must indicate values within ten (10) percent of the actual flow being measured.

## **8. Signatory Requirements**

- a. All reports and other information required by the Division, shall be signed and certified for accuracy by the permittee in accord with the following criteria:
  - i) In the case of corporations, by a responsible corporate officer. For purposes of this section, the responsible corporate officer is responsible for the overall operation of the facility from which the discharge described in the form originates;
  - ii) In the case of a partnership, by a general partner;
  - iii) In the case of a sole proprietorship, by the proprietor;
  - iv) In the case of a municipal, state, or other public facility, by either a principal executive officer, or ranking elected official. For purposes of this section, a principal executive officer has responsibility for the overall operation of the facility from which the discharge originates;
  - v) By a duly authorized representative of a person described above, only if:
    - 1) The authorization is made in writing by a person described in i, ii, iii, or iv above;
    - 2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and,
    - 3) The written authorization is submitted to the Division.
- b. If an authorization as described in this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of this section must be submitted to the Division prior to or together with any reports, information, or applications to be signed by an authorized representative.

The permittee, or the duly authorized representative shall make and sign the following certification on all such documents:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

## PART II

### A. NOTIFICATION REQUIREMENTS

#### 1. Notification to Parties

All notification requirements under this section shall be directed as follows:

- a. Oral Notifications, during normal business hours shall be to:

Water Quality Protection Section - Domestic Compliance Program  
Water Quality Control Division  
Telephone: (303) 692-3500

- b. Written notification shall be to:

Water Quality Protection Section - Domestic Compliance Program  
Water Quality Control Division  
Colorado Department of Public Health and Environment  
WQCD-WQP-B2  
4300 Cherry Creek Drive South  
Denver, CO 80246-1530

#### 2. Change in Discharge

The permittee shall give advance notice to the Division, in writing, of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- a. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged, or;
- b. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported pursuant to an approved land application plan.

Whenever notification of any planned physical alterations or additions to the permitted facility is required pursuant to this section, the permittee shall furnish the Division such plans and specifications which the Division deems reasonably necessary to evaluate the effect on the discharge, the stream, or ground water. If the Division finds that such new or altered discharge might be inconsistent with the conditions of the permit, the Division shall require a new or revised permit application and shall follow the procedures specified in Sections 61.5 through 61.6, and 61.15 of the Colorado Discharge Permit System Regulations.

#### 3. Noncompliance Notification

The permittee shall give advance notice to the Division, in writing, of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.

- a. If, for any reason, the permittee does not comply with or will be unable to comply with any discharge limitations or standards specified in this permit, the permittee shall, at a minimum, provide the Division with the following information:
  - i) A description of the noncompliance and its cause;
  - ii) The period of noncompliance, including exact dates and times and/or the anticipated time when the discharge will return to compliance; and
  - iii) Steps being taken to reduce, eliminate, and prevent recurrence of the noncomplying discharge.
- b. The permittee shall report the following circumstances orally within twenty-four (24) hours from the time the permittee becomes aware of the circumstances, and shall mail to the Division a written report containing the information requested in Part II.A.4 (a) within five (5) working days after becoming aware of the following circumstances:

- i) Circumstances leading to any noncompliance which may endanger health or the environment regardless of the cause of the incident;
  - ii) Circumstances leading to any unanticipated bypass which exceeds any effluent limitations in the permit;
  - iii) Circumstances leading to any upset which causes an exceedance of any effluent limitation in the permit;
  - iv) Daily maximum violations for any of the pollutants limited by Part I.A of this permit as specified in Part III of this permit. This includes any toxic pollutant or hazardous substance or any pollutant specifically identified as the method to control any toxic pollutant or hazardous substance.
- c. Unless otherwise indicated in this permit, the permittee shall report instances of non-compliance which are not required to be reported within 24-hours at the time Discharge Monitoring Reports are submitted. The reports shall contain the information listed in sub-paragraph (a) of this section.

#### **4. Transfer of Ownership or Control**

The permittee shall notify the Division, in writing, thirty (30) calendar days in advance of a proposed transfer of the permit.

- a. Except as provided in paragraph b. of this section, a permit may be transferred by a permittee only if the permit has been modified or revoked and reissued as provided in Section 61.8(8) of the Colorado Discharge Permit System Regulations, to identify the new permittee and to incorporate such other requirements as may be necessary under the Federal Act.
- b. A permit may be automatically transferred to a new permittee if:
  - i) The current permittee notifies the Division in writing 30 calendar days in advance of the proposed transfer date; and
  - ii) The notice includes a written agreement between the existing and new permittee(s) containing a specific date for transfer of permit responsibility, coverage and liability between them; and
  - iii) The Division does not notify the existing permittee and the proposed new permittee of its intent to modify, or revoke and reissue the permit.
  - iv) Fee requirements of the Colorado Discharge Permit System Regulations, Section 61.15, have been met.

#### **5. Other Notification Requirements**

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule in the permit, shall be submitted on the date listed in the compliance schedule section. The fourteen (14) calendar day provision in Regulation 61.8(4)(n)(i) has been incorporated into the due date.

The permittee's notification of all anticipated noncompliance does not stay any permit condition.

All existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Division as soon as they know or have reason to believe:

- a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
  - i) One hundred micrograms per liter (100 µg/l);
  - ii) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol; and one milligram per liter (1.0 mg/l) for antimony;
  - iii) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with Section 61.4(2)(g).

- iv) The level established by the Division in accordance with 40 C.F.R. § 122.44(f).
- b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
  - i) Five hundred micrograms per liter (500 µg/l);
  - ii) One milligram per liter (1 mg/l) for antimony; and
  - iii) Ten (10) times the maximum concentration value reported for that pollutant in the permit application.
  - iv) The level established by the Division in accordance with 40 C.F.R. § 122.44(f).

## **6. Bypass Notification**

If the permittee knows in advance of the need for a bypass, a notice shall be submitted, at least ten (10) calendar days before the date of the bypass, to the Division. The bypass shall be subject to Division approval and limitations imposed by the Division. Violations of requirements imposed by the Division will constitute a violation of this permit.

## **7. Bypass**

- a. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
- b. Bypasses are prohibited and the Division may take enforcement action against the permittee for bypass, unless:
  - i) The bypass is unavoidable to prevent loss of life, personal injury, or severe property damage;
  - ii) There were no feasible alternatives to bypass such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - iii) Proper notices were submitted in compliance with Part II.A.5.
- c. "Severe property damage" as used in this Subsection means substantial physical damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- d. The permittee may allow a bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance or to assure optimal operation. These bypasses are not subject to the provisions of paragraph (a) above.
- e. The Division may approve an anticipated bypass, after considering adverse effects, if the Division determines that the bypass will meet the conditions specified in paragraph (a) above.

## **8. Upsets**

- a. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.
- b. Effect of an Upset

An upset constitutes an affirmative defense to an action brought for noncompliance with permit effluent limitations if the requirements of paragraph (b) of this section are met. No determination made during administrative review of claims

that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

c. Conditions Necessary for a Demonstration of Upset

A permittee who wishes to establish the affirmative defense of upset shall demonstrate through properly signed contemporaneous operating logs, or other relevant evidence that:

- i) An upset occurred and that the permittee can identify the specific cause(s) of the upset; and
- ii) The permitted facility was at the time being properly operated and maintained; and
- iii) The permittee submitted proper notice of the upset as required in Part II.A.4. of this permit (24-hour notice); and
- iv) The permittee complied with any remedial measure necessary to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

In addition to the demonstration required above, a permittee who wishes to establish the affirmative defense of upset for a violation of effluent limitations based upon water quality standards shall also demonstrate through monitoring, modeling or other methods that the relevant standards were achieved in the receiving water.

d. Burden of Proof

In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

**9. Submission of Incorrect or Incomplete Information**

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Division, the permittee shall promptly submit such facts or information.

**B. RESPONSIBILITIES**

**1. Reduction, Loss, or Failure of Treatment Facility**

The permittee has the duty to halt or reduce any activity if necessary to maintain compliance with the effluent limitations of the permit. Upon reduction, loss, or failure of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control production, control sources of wastewater, or all discharges, until the facility is restored or an alternative method of treatment is provided. This provision also applies to power failures, unless an alternative power source sufficient to operate the wastewater control facilities is provided.

It shall not be a defense for a permittee in an enforcement action that it would be necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

**2. Inspections and Right to Entry**

The permittee shall allow the Division and/or the authorized representative, upon the presentation of credentials:

- a. To enter upon the permittee's premises where a regulated facility or activity is located or in which any records are required to be kept under the terms and conditions of this permit;
- b. At reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit and to inspect any monitoring equipment or monitoring method required in the permit; and
- c. To enter upon the permittee's premises in a reasonable manner and at a reasonable time to inspect and/or investigate, any actual, suspected, or potential source of water pollution, or to ascertain compliance or non-compliance with the Colorado Water Quality Control Act or any other applicable state or federal statute or regulation or any order promulgated by the Division. The investigation may include, but is not limited to, the following: sampling of any discharge and/or process waters, the taking of photographs, interviewing of any person having knowledge related to the discharge permit or

alleged violation, access to any and all facilities or areas within the permittee's premises that may have any affect on the discharge, permit, or alleged violation. Such entry is also authorized for the purpose of inspecting and copying records required to be kept concerning any effluent source.

- d. The permittee shall provide access to the Division to sample the discharge at a point after the final treatment process but prior to the discharge mixing with state waters upon presentation of proper credentials.

In the making of such inspections, investigations, and determinations, the Division, insofar as practicable, may designate as its authorized representatives any qualified personnel of the Department of Agriculture. The Division may also request assistance from any other state or local agency or institution.

### **3. Duty to Provide Information**

The permittee shall furnish to the Division, within a reasonable time, any information which the Division may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Division, upon request, copies of records required to be kept by this permit.

### **4. Availability of Reports**

Except for data determined to be confidential under Section 308 of the Federal Clean Water Act and the Colorado Discharge Permit System Regulations 5 CCR 1002-61, Section 61.5(4), all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Division and the Environmental Protection Agency.

The name and address of the permit applicant(s) and permittee(s), permit applications, permits and effluent data shall not be considered confidential. Knowingly making false statement on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the Federal Clean Water Act, and Section 25-8-610 C.R.S.

### **5. Modification, Suspension, Revocation, or Termination of Permits By the Division**

The filing of a request by the permittee for a permit modification, revocation and reissuance, termination or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

- a. A permit may be modified, suspended, or terminated in whole or in part during its term for reasons determined by the Division including, but not limited to, the following:
  - i) Violation of any terms or conditions of the permit;
  - ii) Obtaining a permit by misrepresentation or failing to disclose any fact which is material to the granting or denial of a permit or to the establishment of terms or conditions of the permit; or
  - iii) Materially false or inaccurate statements or information in the permit application or the permit.
  - iv) A determination that the permitted activity endangers human health or the classified or existing uses of state waters and can only be regulated to acceptable levels by permit modifications or termination.
- b. A permit may be modified in whole or in part for the following causes, provided that such modification complies with the provisions of Section 61.10 of the Colorado Discharge Permit System Regulations:
  - i) There are material and substantial alterations or additions to the permitted facility or activity which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit.
  - ii) The Division has received new information which was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and which would have justified the application of different permit conditions at the time of issuance. For permits issued to new sources or new dischargers, this cause includes information derived from effluent testing required under Section 61.4(7)(e) of the Colorado Discharge Permit System Regulations. This provision allows a modification of the permit to include conditions that are less stringent than the existing permit only to the extent allowed under Section 61.10 of the Colorado Discharge Permit System Regulations.

- iii) The standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued. Permits may be modified during their terms for this cause only as follows:
    - (A) The permit condition requested to be modified was based on a promulgated effluent limitation guideline, EPA approved water quality standard, or an effluent limitation set forth in 5 CCR 1002-62, § 62 et seq.; and
    - (B) EPA has revised, withdrawn, or modified that portion of the regulation or effluent limitation guideline on which the permit condition was based, or has approved a Commission action with respect to the water quality standard or effluent limitation on which the permit condition was based; and
    - (C) The permittee requests modification after the notice of final action by which the EPA effluent limitation guideline, water quality standard, or effluent limitation is revised, withdrawn, or modified; or
    - (D) For judicial decisions, a court of competent jurisdiction has remanded and stayed EPA promulgated regulations or effluent limitation guidelines, if the remand and stay concern that portion of the regulations or guidelines on which the permit condition was based and a request is filed by the permittee in accordance with this Regulation, within ninety (90) calendar days of judicial remand.
  - iv) The Division determines that good cause exists to modify a permit condition because of events over which the permittee has no control and for which there is no reasonable available remedy.
  - v) Where the Division has completed, and EPA approved, a total maximum daily load (TMDL) which includes a wasteload allocation for the discharge(s) authorized under the permit.
  - vi) The permittee has received a variance.
  - vii) When required to incorporate applicable toxic effluent limitation or standards adopted pursuant to § 307(a) of the Federal act.
  - viii) When required by the reopen conditions in the permit.
  - ix) As necessary under 40 C.F.R. 403.8(e), to include a compliance schedule for the development of a pretreatment program.
  - x) When the level of discharge of any pollutant which is not limited in the permit exceeds the level which can be achieved by the technology-based treatment requirements appropriate to the permittee under Section 61.8(2) of the Colorado Discharge Permit System Regulations.
  - xi) To establish a pollutant notification level required in Section 61.8(5) of the Colorado Discharge Permit System Regulations.
  - xii) To correct technical mistakes, such as errors in calculation, or mistaken interpretations of law made in determining permit conditions, to the extent allowed in Section 61.10 of the Colorado State Discharge Permit System Regulations.
  - xiii) When required by a permit condition to incorporate a land application plan for beneficial reuse of sewage sludge, to revise an existing land application plan, or to add a land application plan.
  - xiv) When another State whose waters may be affected by the discharge has not been notified.
  - xv) For any other cause provided in Section 61.10 of the Colorado Discharge Permit System Regulations.
- c. At the request of a permittee, the Division may modify or terminate a permit and issue a new permit if the following conditions are met:
- i) The Regional Administrator has been notified of the proposed modification or termination and does not object in writing within thirty (30) calendar days of receipt of notification,

- ii) The Division finds that the permittee has shown reasonable grounds consistent with the Federal and State statutes and regulations for such modifications or termination;
  - iii) Requirements of Section 61.15 of the Colorado Discharge Permit System Regulations have been met, and
  - iv) Requirements of public notice have been met.
- d. For permit modification, termination, or revocation and reissuance, the Division may request additional information from the permittee. In the case of a modified permit, the Division may require the submission of an updated application. In the case of revoked and reissued permit, the Division shall require the submission of a new application.
- e. Permit modification (except for minor modifications), termination or revocation and reissuance actions shall be subject to the requirements of Sections 61.5(2), 61.5(3), 61.6, 61.7 and 61.15 of the Colorado Discharge Permit System Regulations. The Division shall act on a permit modification request, other than minor modification requests, within 180 calendar days of receipt thereof. Except for minor modifications, the terms of the existing permit govern and are enforceable until the newly issued permit is formally modified or revoked and reissued following public notice.
- f. Upon consent by the permittee, the Division may make minor permit modifications without following the requirements of Sections 61.5(2), 61.5(3), 61.7, and 61.15 of the Colorado Discharge Permit System Regulations. Minor modifications to permits are limited to:
- i) Correcting typographical errors; or
  - ii) Increasing the frequency of monitoring or reporting by the permittee; or
  - iii) Changing an interim date in a schedule of compliance, provided the new date of compliance is not more than 120 calendar days after the date specific in the existing permit and does not interfere with attainment of the final compliance date requirement; or
  - iv) Allowing for a transfer in ownership or operational control of a facility where the Division determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between the current and new permittees has been submitted to the Division; or
  - v) Changing the construction schedule for a discharger which is a new source, but no such change shall affect a discharger's obligation to have all pollution control equipment installed and in operation prior to discharge; or
  - vi) Deleting a point source outfall when the discharge from that outfall is terminated and does not result in discharge of pollutants from other outfalls except in accordance with permit limits.
  - vii) Incorporating conditions of a POTW pretreatment program that has been approved in accordance with the procedures in 40 CFR 403.11 (or a modification thereto that has been approved in accordance with the procedures in 40 CFR 403.18) as enforceable conditions of the POTW's permits.
- g. When a permit is modified, only the conditions subject to modification are reopened. If a permit is revoked and reissued, the entire permit is reopened and subject to revision and the permit is reissued for a new term.
- h. The filing of a request by the permittee for a permit modification, revocation and reissuance or termination does not stay any permit condition.
- i. All permit modifications and reissuances are subject to the antibacksliding provisions set forth in 61.10(e) through (g).
  - j. If cause does not exist under this section, the Division shall not modify or revoke and reissue the permit.

## **6. Oil and Hazardous Substance Liability**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under Section 311 (Oil and Hazardous Substance Liability) of the Clean Water Act.

## **7. State Laws**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority granted by Section 510 of the Clean Water Act. Nothing in this permit shall be construed to prevent or limit application of any emergency power of the division.

#### **8. Permit Violations**

Failure to comply with any terms and/or conditions of this permit shall be a violation of this permit. The discharge of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit. Except as provided elsewhere in this permit, nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance (40 CFR 122.41(a)(1)).

#### **9. Severability**

The provisions of this permit are severable. If any provisions or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances and the application of the remainder of this permit shall not be affected.

#### **10. Confidentiality**

Any information relating to any secret process, method of manufacture or production, or sales or marketing data which has been declared confidential by the permittee, and which may be acquired, ascertained, or discovered, whether in any sampling investigation, emergency investigation, or otherwise, shall not be publicly disclosed by any member, officer, or employee of the Commission or the Division, but shall be kept confidential. Any person seeking to invoke the protection of this Subsection (12) shall bear the burden of proving its applicability. This section shall never be interpreted as preventing full disclosure of effluent data.

#### **11. Fees**

The permittee is required to submit payment of an annual fee as set forth in the 2005 amendments to the Water Quality Control Act. Section 25-8-502 (l) (b), and the Colorado Discharge Permit System Regulations 5 CCR l002-61, Section 61.15 as amended. Failure to submit the required fee when due and payable is a violation of the permit and will result in enforcement action pursuant to Section 25-8-601 et. seq., C.R.S. 1973 as amended.

#### **12. Duration of Permit**

The duration of a permit shall be for a fixed term and shall not exceed five (5) years. If the permittee desires to continue to discharge, a permit renewal application shall be submitted at least one hundred eighty (180) calendar days before this permit expires. Filing of a timely and complete application shall cause the expired permit to continue in force to the effective date of the new permit. The permit's duration may be extended only through administrative extensions and not through interim modifications. If the permittee anticipates there will be no discharge after the expiration date of this permit, the Division should be promptly notified so that it can terminate the permit in accordance with Part II.B.4.

#### **13. Section 307 Toxics**

If a toxic effluent standard or prohibition, including any applicable schedule of compliance specified, is established by regulation pursuant to Section 307 of the Federal Act for a toxic pollutant which is present in the permittee's discharge and such standard or prohibition is more stringent than any limitation upon such pollutant in the discharge permit, the Division shall institute proceedings to modify or revoke and reissue the permit to conform to the toxic effluent standard or prohibition.

#### **14. Effect of Permit Issuance**

- a. The issuance of a permit does not convey any property or water rights in either real or personal property, or stream flows or any exclusive privilege.
- b. The issuance of a permit does not authorize any injury to person or property or any invasion of personal rights, nor does it authorize the infringement of federal, state, or local laws or regulations.

- c. Except for any toxic effluent standard or prohibition imposed under Section 307 of the Federal act or any standard for sewage sludge use or disposal under Section 405(d) of the Federal act, compliance with a permit during its term constitutes compliance, for purposes of enforcement, with Sections 301, 302, 306, 318, 403, and 405(a) and (b) of the Federal act. However, a permit may be modified, revoked and reissued, or terminated during its term for cause as set forth in Section 61.8(8) of the Colorado Discharge Permit System Regulations.
- d. Compliance with a permit condition which implements a particular standard for biosolid use or disposal shall be an affirmative defense in any enforcement action brought for a violation of that standard for biosolid use or disposal.

### PART III

#### CATEGORICAL INDUSTRIES

|   |   |
|---|---|
| Aluminum Forming                                    | Meat Products                                     |
| Asbestos Manufacturing                              | Metal Finishing                                   |
| Battery Manufacturing                               | Metal Molding and Casting (Foundries)             |
| Builders' Paper and Board Mills                     | Mineral Mining and Processing                     |
| Canned & Preserved Fruits and Vegetables Processing | Nonferrous Metals Manufacturing                   |
| Canned & Preserved Seafood Processing               | Nonferrous Metals Forming and Metal Powders       |
| Carbon Black Manufacturing                          | Oil and Gas Extraction                            |
| Cement Manufacturing                                | Organic Chemicals, Plastics, and Synthetic Fibers |
| Coal Mining   | Ore Mining and Dressing                           |
| Coil Coating  | Paint Formulation                                 |
| Copper Forming                                      | Paving and Roofing Materials (Tars and Asphalt)   |
| Dairy Products Processing                           | Pesticide Chemicals                               |
| Electrical and Electronic Components                | Petroleum Refining                                |
| Electroplating                                      | Pharmaceutical Manufacturing                      |
| Explosives Manufacturing                            | Phosphate Manufacturing                           |
| Feedlots  | Photographic                                      |
| Ferroalloy Manufacturing                            | Plastics Molding and Forming                      |
| Fertilizer Manufacturing                            | Porcelain Enameling                               |
| Glass Manufacturing                                 | Pulp, Paper, and Paperboard Manufacturing         |
| Grain Mills   | Rubber Manufacturing                              |
| Gum and Wood Chemicals Manufacturing                | Soap and Detergent Manufacturing                  |
| Hospital  | Steam Electric Power Generating                   |
| Ink Formulation                                     | Sugar Processing                                  |
| Inorganic Chemicals Manufacturing                   | Textile Mills                                     |
| Iron and Steel Manufacturing                        | Timber Products Processing                        |
| Leather Tanning and Finishing                       |   |

**PRIORITY POLLUTANTS AND HAZARDOUS SUBSTANCES**  
 ORGANIC TOXIC POLLUTANTS IN EACH OF FOUR FRACTIONS  
 IN ANALYSIS BY GAS CHROMATOGRAPHY/MASS SPECTROSCOPY (GC/MS)

| <u>Volatiles</u>         | <u>Base/Neutral</u>         | <u>Acid Compounds</u> | <u>Pesticides</u>  |
|--------------------------|-----------------------------|-----------------------|--------------------|
| acrolein                 | acenaphthene                | 2-chlorophenol        | aldrin             |
| acrylonitrile            | acenaphthylene              | 2,4-dichlorophenol    | alpha-BHC          |
| benzene                  | anthracene                  | 2,4,-dimethylphenol   | beta-BHC           |
| bromoform                | benzidine                   | 4,6-dinitro-o-cresol  | gamma-BHC          |
| carbon tetrachloride     | benzo(a)anthracene          | 2,4-dinitrophenol     | delta-BHC          |
| chlorobenzene            | benzo(a)pyrene              | 2-nitrophenol         | chlordane          |
| chlorodibromomethane     | 3,4-benzofluoranthene       | 4-nitrophenol         | 4,4'-DDT           |
| chloroethane             | benzo(ghi)perylene          | p-chloro-m-cresol     | 4,4'-DDE           |
| 2-chloroethylvinyl ether | benzo(k)fluoranthene        | pentachlorophenol     | 4,4'-DDD           |
| chloroform               | bis(2-chloroethoxy)methane  | phenol                | dieldrin           |
| dichlorobromomethane     | bis(2-chloroethyl)ether     | 2,4,6-trichlorophenol | alpha-endosulfan   |
| 1,1-dichlorethane        | bis(2-chloroisopropyl)ether |                       | beta-endosulfan    |
| 1,2-dichlorethane        | bis(2-ethylhexyl)phthalate  |                       | endosulfan sulfate |
| 1,1-dichlorethylene      | 4-bromophenyl phenyl ether  |                       | endrin             |
| 1,2-dichloropropane      | butylbenzyl phthalate       |                       | endrin aldehyde    |
| 1,3-dichloropropylene    | 2-chloronaphthalene         |                       | heptachlor         |
| ethylbenzene             | 4-chlorophenyl phenyl ether |                       | heptachlor epoxide |
| methyl bromide           | chrysene                    |                       | PCB-1242           |
| methyl chloride          | dibenzo(a,h)anthracene      |                       | PCB-1254           |
| methylene chloride       | 1,2-dichlorobenzene         |                       | PCB-1221           |

**PRIORITY POLLUTANTS AND HAZARDOUS SUBSTANCES**  
ORGANIC TOXIC POLLUTANTS IN EACH OF FOUR FRACTIONS  
IN ANALYSIS BY GAS CHROMATOGRAPHY/MASS SPECTROSCOPY (GC/MS)

**Volatiles**

1,1,2,2-tetrachloroethane  
tetrachloroethylene  
toluene  
1,2-trans-dichloroethylene  
1,1,1-trichloroethane  
1,1,2-trichloroethane  
trichloroethylene  
vinyl chloride

**Base/Neutral**

1,3-dichlorobenzene  
1,4-dichlorobenzene  
3,3-dichlorobenzidine  
diethyl phthalate  
dimethyl phthalate  
di-n-butyl phthalate  
2,4-dinitrotoluene  
2,6-dinitrotoluene  
di-n-octyl phthalate  
1,2-diphenylhydrazine (as azobenzene)  
fluorene  
fluoranthene  
hexachlorobenzene  
hexachlorobutadiene  
hexachlorocyclopentadiene  
hexachloroethane  
indeno(1,2,3-cd)pyrene  
isophorone  
naphthalene  
nitrobenzene  
N-nitrosodimethylamine  
N-nitrosodi-n-propylamine  
N-nitrosodiphenylamine  
phenanthrene  
pyrene  
1,2,4-trichlorobenzene

**Acid Compounds**

PCB-1232  
PCB-1248  
PCB-1260  
PCB-1016  
toxaphene

**Pesticides**

**OTHER TOXIC POLLUTANTS  
(AMMONIA, METALS AND CYANIDE) AND TOTAL PHENOLS**

Antimony, Total  
Arsenic, Total  
Beryllium, Total  
Cadmium, Total  
Chromium, Total  
Copper, Total  
Lead, Total  
Mercury, Total  
Nickel, Total  
Selenium, Total  
Silver, Total  
Thallium, Total  
Zinc, Total  
Cyanide, Total  
Phenols, Total

**TOXIC POLLUTANTS AND HAZARDOUS SUBSTANCES**  
REQUIRED TO BE IDENTIFIED BY EXISTING DISCHARGERS  
IF EXPECTED TO BE PRESENT

**Toxic Pollutants**

Asbestos

**Hazardous Substances**

|  |  |
|--|--|
| Acetaldehyde                           | Isoprene   |
| Allyl alcohol                          | Isopropanolamine                                     |
| Allyl chloride                         | Keithane   |
| Amyl acetate                           | Kepone   |
| Aniline                                | Malathion  |
| Benzonitrile                           | Mercaptodimethur                                     |
| Benzyl chloride                        | Methoxychlor   |
| Butyl acetate                          | Methyl mercaptan                                     |
| Butylamine                             | Methyl methacrylate                                  |
| Captan                                 | Methyl parathion                                     |
| Carbaryl                               | Mexacarbate  |
| Carbofuran                             | Monoethyl amine                                      |
| Carbon disulfide                       | Monomethyl amine                                     |
| Chlorpyrifos                           | Naled  |
| Coumaphos                              | Napthenic acid                                       |
| Cresol                                 | Nitrotoluene   |
| Crotonaldehyde                         | Parathion  |
| Cyclohexane                            | Phenolsulfonate                                      |
| 2,4-D(2,4-Dichlorophenoxy acetic acid) | Phosgene   |
| Diazinon                               | Propargite   |
| Dicamba                                | Propylene oxide                                      |
| Dichlobenil                            | Pyrethrins   |
| Dichrone                               | Quinoline  |
| 2,2-Dichloropropionic acid             | Resorcinol   |
| Dichlorvos                             | Strontium  |
| Diethyl amine                          | Strychnine   |
| Dimethyl amine                         | Styrene  |
| Dinitrobenzene                         | TDE (Tetrachlorodiphenylethane)                      |
| Diquat                                 | 2,4,5-T (2,4,5-Trichlorophenoxy acetic acid)         |
| Disulfoton                             | 2,4,5-TP [2-(2,4,5-Trichlorophenoxy) propanoic acid] |
| Diuron                                 | Trichlorofan   |
| Epichlorohydrin                        | Triethylamine  |
| Ethanolamine                           | Trimethylamine                                       |
| Ethion                                 | Uranium  |
| Ethylene diamine                       | Vandium  |
| Ethylene dibromide                     | Vinyl Acetate  |
| Formaldehyde                           | Xylene   |
| Furfural                               | Xylenol  |
| Guthion                                | Zirconium  |

- (f) The deadlines established pursuant to paragraph (e) of this section shall be extended by:
- (i) The number of days which an applicant takes to submit information requested by the Division pursuant to section 61.5(1)(c) plus the fifteen (15) days provided for the Division to evaluate each additional information submittal; and
  - (ii) Thirty (30) days, for a public meeting which is held pursuant to section 61.5(3).

**61.7 PERMIT ADJUDICATORY HEARINGS**

- (a) The application or any other person, affected or aggrieved by the Division's final determination may demand an adjudicatory hearing within thirty (30) days of the issuance of the final permit determination.
- (b) Such hearing shall be conducted pursuant to the requirements of sections 24-4-105 and 25-8-401, et seq., C.R.S.
- (c) Only issues of law or fact raised by the applicant or other person prior to an adjudicatory hearing may be raised at the adjudicatory hearing. The permit will become effective in its entirety thirty (30) days after issuance, or on such later date as specified by the Division, unless a stay is granted in accordance with section 25-8-404 (3) and (4) or section 25-8-406 of the Colorado Water Quality Control Act or the provisions of the State Administrative Procedures Act, whichever is applicable.
- (d) The person requesting the adjudicatory hearing shall have the burden of proof in all hearings held pursuant to this section, except that the Division shall have the burden of proof under the following circumstances:
  - (i) Where the Division initiated the permit revocation or modification; and
  - (ii) Where the Division denies renewal of a permit or changes the terms of a renewed permit and that denial or change is not based either upon significant changes in the facts relevant to water quality considerations or upon changes in the applicable statutes or regulations.
- (e) The Colorado Water Quality Control Act, the Procedural Rules for all proceedings before the Water Quality Control Commission and the Water Quality Control Division and the State Administrative Procedures Act shall be applicable to all hearings held pursuant to this section.

**61.7(1) ADMINISTRATIVE STAYS - RENEWAL PERMITS**

- (a) Any applicant for a renewal permit may appeal the action of the Division on such application in accordance with section 24-4-105, C.R.S. The resultant hearing shall be presided over by a hearing officer. Upon such an appeal and within 30 days of issuance of the final permit, the applicant may also request that the Division stay the contested terms and conditions of the renewal permit. Said permit becomes effective in its entirety unless a stay is granted by the Division pursuant to section 25-8-406 C.R.S. The Division may stay any contested terms and conditions for good cause shown.
- (b) Request for an administrative stay of the terms or conditions of a renewal permit must be submitted in writing to the Division along with the request for an appeal within thirty (30) days of issuance of the final permit.

- (c) The Division shall make a determination on a request for an administrative stay of permit terms and/or conditions within ten (10) days of receipt thereof, and shall grant the request if it reasonably appears that serious harm would otherwise result and either
- (i) refusal would not provide corresponding public benefit; or
  - (ii) the alleged violation or activity to which the order or determination applies will not continue, or if it does continue, any harmful effects on state waters will be alleviated promptly after cessation of the violation or activity.
- (d) The Division shall notify the applicant in writing of the decision to grant or deny the request. In the event of denial, the Division shall cite the reasons in the notification letter.
- (e) Any stay granted under this subsection shall expire when a final determination is made after the conclusion of the hearing held pursuant to section 24-4-105, C.R.S. During the period of any such stay, the corresponding terms and conditions of the prior permit shall remain in effect and are enforceable.
- (f) Any decision to grant or deny a request for an administrative stay of a permit shall be subject to the provisions of section 25-8-502, C.R.S., and shall be final action subject to de novo determination pursuant to section 25-8-404, C.R.S.

## **61.8 TERMS AND CONDITIONS OF PERMITS**

Terms and conditions consistent with those specified in this regulation, including but not limited to, the terms and conditions specified in sections 61.4(1), 61.8(2), 61.8(3), 61.8(4), 61.8(5), 61.8(6), 61.8(7), 61.8(8), 61.8(9) and 61.8(10), shall be incorporated into the Division's permits, either expressly or by reference to this regulation. If incorporated by reference, a specific citation to this Regulation shall be given in the permit. Terms and conditions consistent with sections 61.8(11) and 61.8(12) shall be incorporated into the Division's permits as applicable.

A permittee must comply with all the terms and conditions of the permit. Violation of the terms and conditions specified in this permit may be subject to civil and criminal liability pursuant to sections 25-8-601 through 612, C.R.S., and the Federal Act. Upon a finding and determination, after hearing, that a violation of a permit provision has occurred, the Division may suspend, modify, or revoke the pertinent permit or take such other action with respect to the violation.

### **61.8(1) PROHIBITIONS**

- (a) The Division shall issue a permit in accordance with these regulations when the Division has determined that the provisions of these regulations and the Federal Act and regulations thereunder have been met with respect to both the application and proposed permit.
- (b) The Division shall not issue a permit under the following circumstances:
- (i) When the Regional Administrator has objected to the issuance of a permit, provided the Regional Administrator complies with the procedures of 40 C.F.R. Section 123.44 and his or her objections are based on the grounds set forth therein.
  - (ii) When, in the judgment of the Secretary of the Army, anchorage and navigation in or on any of the waters of the United States would be substantially impaired by the discharge;
  - (iii) When the imposition of conditions cannot ensure compliance with the applicable water quality requirements of all affected States.

2015 City of Creede Board of Trustees Retreat Agenda  
February 28th, 2015 / (venue)

**(proposed / draft)**

9am – Welcome remarks, Mayor Grossman.

Individual Trustee Statements:

- Delonga
- Kim
- McDonald
- Wall
- Wyley
- Zurn

Review Past Retreat Goal Sheet, re-work GOALS for 2015

10:45 – Break.

11am – Resume.

Merging Big Picture/Morning session 2015 Goals vs. Budget

12pm – Break (Staff Arrives)

12:15 – Resume: Working Lunch with Staff to discuss morning session.

Open Forum

1:30-ish – Retreat summary/recap of 2015 Retreat Goals – Mayor Grossman.

(\* Note: 2015 Retreat Goals become the official minutes of this meeting, and will be voted on at the March top of the month meeting.)

2pm-ish – Conclude.

Add to packet: TWalls graph of goals, Clyde's ongoing, sample codes of conduct.

Blair  
and  
**Associates** P.C.

CERTIFIED PUBLIC ACCOUNTANTS AND CONSULTANTS

February 12, 2015

City of Creede  
P.O. Box 457  
Creede, Colorado 81130

We are pleased to confirm our understanding of the services we are to provide City of Creede for the year ended December 31, 2014. We will audit the financial statements of the governmental activities, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements of City of Creede as of and for the year ended December 31, 2014. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement City of Creede's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to City of Creede's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

1) Management's Discussion and Analysis.

We have also been engaged to report on supplementary information other than RSI that accompanies the City of Creede's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America and will provide an opinion on it in relation to the financial statements as a whole:

- 1) Statements and Schedules of Revenues, Expenditures and Changes in Fund Balance – Budget to Actual for the Conservation Trust Fund and Water and Sewer Funds
- 2) Local Highway Finance Report

**Audit Objective**

The objective of our audit is the expression of opinions as to whether your basic financial statements are fairly presented, in all material respects, in conformity with generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America and will include tests of the accounting records and other procedures we consider necessary to enable us to express such opinions. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions on the financial statements are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.

Collice P. Blair, Jr., CPA, CFE

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MEMBERS  
Colorado Society CPA's  
American Institute of CPA's  
Association of Certified  
Fraud Examiners  
Governmental Audit Quality Center

## **Management Responsibilities**

Management is responsible for the basic financial statements and all accompanying information as well as all representations contained therein. You agree to assume all management responsibilities for any nonattest services we provide; oversee the services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of the services; and accept responsibility for them.

Management is responsible for establishing and maintaining effective internal controls, including monitoring ongoing activities; for the selection and application of accounting principles; and for the preparation and fair presentation of the financial statements in conformity with U.S. generally accepted accounting principles.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) additional information that we may request for the purpose of the audit, and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the written representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, regulators, or others. In addition, you are responsible for identifying and ensuring that the entity complies with applicable laws and regulations.

You are responsible for the preparation of the supplementary information in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon or make the audited financial statements readily available to users of the supplementary information no later than the date the supplementary information is issued with our report thereon. Your responsibilities include acknowledging to us in the representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) that you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) that the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

## **Audit Procedures—General**

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards. In addition, an audit is not designed to detect immaterial misstatements, or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about the financial statements and related matters.

#### **Audit Procedures—Internal Control**

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. An audit is not designed to provide assurance on internal control or to identify deficiencies in internal control. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards.

#### **Audit Procedures—Compliance**

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the City of Creede's compliance with the provisions of applicable laws, regulations, contracts, and agreements. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion.

#### **Engagement Administration, Fees, and Other**

We understand that your employees will prepare all cash or other confirmations we request and will locate any documents selected by us for testing.

We expect to begin our audit on approximately in March 2015 to issue our reports no later than June, 15, 2015. Pete Blair is the engagement partner and is responsible for supervising the engagement and signing the report. Our fee for these services will be at our standard hourly rates plus out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc.) except that we agree that our gross fee, including expenses will be \$ 7,650 unless a single audit is required, then an additional fee of \$ 1,800 will be assessed. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes 30 days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

We appreciate the opportunity to be of service to the City of Creede and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,

*Blair and Associates, PC*

RESPONSE:

This letter correctly sets forth the understanding of the City of Creede.

Management signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Governance signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

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**TO:** Honorable Mayor Grossman and Board of Trustees  
**FROM:** Eric J. Heil, Town Attorney  
**RE:** Special Election for Marijuana Businesses  
**DATE:** February 13, 2015

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**SUMMARY:** This memorandum addresses issues related to a potential special election for marijuana businesses. Creede has already taken action to prohibit both medical marijuana businesses and marijuana establishments. Like other laws, the prohibition continues as the law in Creede unless and until the Board of Trustees as the governing body passes an ordinance to change the law. This memorandum first addresses a potential special election ballot question, then discusses other options.

**AUTHORITY TO REFER BALLOT QUESTIONS:** The Board of Trustees has general authority to submit any question to a vote of the registered electors of the City of Creede. CRS §31-11-111 is reprinted as follows:

**§ 31-11-111. Initiatives, referenda, and referred measures - ballot titles**

- (1) After an election has been ordered pursuant to section 31-11-104 or 31-11-105, the legislative body of the municipality or its designee shall promptly fix a ballot title for each initiative or referendum.
- (2) The legislative body of any municipality may, without receipt of any petition, submit any proposed or adopted ordinance or resolution or any question to a vote of the registered electors of the municipality. The legislative body of the municipality or its designee shall fix a ballot title for the referred measure.
- (3) In fixing the ballot title, the legislative body or its designee shall consider the public confusion that might be caused by misleading titles and shall, whenever practicable, avoid titles for which the general understanding of the effect of a "yes" or "no" vote would be unclear. The ballot title shall not conflict with those titles selected for any other measure that will appear on the municipal ballot in the same election. The ballot title shall correctly and fairly express the true intent and meaning of the measure.
- (4) Any protest concerning a ballot title shall be conducted as provided by local charter, ordinance, or resolution.

**BALLOT QUESTION OPTIONS:** The Board of Trustees may prepare a complete ordinance permitting and regulating marijuana based businesses and refer that to the electorate, in which case if approved by the voters such law would take effect. The other option is to refer a general question to the electorate and then the Board of Trustees would prepare an ordinance if the ballot question were approved. Due to the cost and time involved in preparing an ordinance to permit and regulate marijuana businesses, it seems more reasonable to refer a general question first, then expend the effort on preparing an ordinance if the voters approve the question of permitting marijuana businesses.

**BALLOT QUESTION:** Attached is a draft Resolution to approve permitting marijuana businesses. As drafted this ballot question is intended to allow voter input on the general question but clearly leaves discretion and authority with the Board of Trustees to determine the specific business categories to allow and specific regulations. **PLEASE NOTE:** If the outcome of the ballot question is negative, the Board of

**City of Creede Board of Trustees  
Special Election on Marijuana Businesses  
February 13, 2015  
Page 2 of 2**

Trustees is not legally prohibited from considering and adopting regulations to permit marijuana businesses in the future. I am not suggesting that the Board of Trustees take an action that is directly contrary to voter results (and I'm sure you can appreciate the political implications of such a course of action), but such results are not legally binding on the future legislative discretion of the governing body.

**BALLOT QUESTION OPTIONS:** It is also possible to refer a series of questions to the electorate on specific marijuana businesses issues. For example, separate questions on medical versus retail, growing operations, manufacturing, locations in the City, total number of permits. My observation I share is that it is typically best to keep ballot issues as simple as possible and the draft question is a simple Yes or No to marijuana businesses with the regulatory details to be determined by the Board of Trustees.

**LOCAL MARIJUANA TAX:** Several communities have also adopted a new local tax on marijuana businesses. Such a tax would be subject to the Tax Payor's Bill of Rights and could only be considered at an election in November or in the local biennial election (April, 2016).

**INITIATIVE/REFERENDUM OPTION:** Just to complete the range of potential special election options, it is possible that citizens without Board of Trustee consent or approval could prepare an ordinance permitting marijuana businesses and then obtain the required petition signatures to submit as an initiated ordinance. The initiative process begins with filing a notice with the City and submitting the proposed ordinance, then the proponents have 180 days to gather petition signatures in the amount of 5% of the total registered electors in Creede. If a valid petition is submitted then the Board of Trustees has the option to either adopt the ordinance or refer it to a special election. The referendum process is where the Board of Trustees adopts an ordinance, then there is a 30 day period where a petition may be submitted that is signed by 5% of the registered electors. If a valid referendum petition is submitted, then the Board of Trustees must either repeal the ordinance or refer the ordinance to a special election.

**MINIMUM BUFFER DISTANCE:** Due to the required separation from playgrounds and recreational facilities the potential areas where marijuana businesses can be located appears very limited. The interpretation and application of the federal laws is not settled. There is a 1,000' separation from schools and playgrounds. Playgrounds are defined as outdoor facilities containing 3 or more separate apparatus intended for recreation of children. Pre-schools are not included in the definition of the 1,000' buffer area. The separation from "youth center" is only 100' which includes any recreational facility. Therefore, it may be possible that with the relocation of the Creede school that Creede can interpret the pre-school and playground and not requiring a 1,000' buffer area and may interpret the ball field/skate park area as not requiring a 1,000' buffer because there are not 3 separate outdoor apparatus intended for the recreation of children. On the other hand, the federal intent is clear to establish a 1,000 buffer from outdoor areas intended for recreational use by children. Considering these circumstances, it may be possible for Creede to interpret the federal minimum buffer very narrowly and then adopt its own buffer that is deemed appropriate for the Creede community.

**ATTACHMENTS:**

- Draft Resolution referring question of Permitting Marijuana Businesses to a Special Election

Thank you, Eric

# **DRAFT February 13, 2015**

## **RESOLUTION NO. \_\_\_\_\_**

### **A RESOLUTION REFERRING THE QUESTION OF PERMITTING MARIJUANA ESTABLISHMENTS AND MEDICAL MARIJUANA CENTERS, OPTIONAL PREMISES CULTIVATION OPERATIONS, AND MEDICAL MARIJUANA INFUSED PRODUCTS MANUFACTURESS' LICENSE IN THE CITY OF CREEDE TO A SPECIAL ELECTION**

**WHEREAS**, the Creede Board of Trustees has determined that the question of permitting marijuana establishments and medical marijuana businesses is subject to wide spread community debate and diversity of opinions and that question of permitting marijuana based businesses should be submitted to a vote of the electorate; and

**WHEREAS**, the Creede Board of Trustees has the right to refer any ordinance or question on its own motion to a special election; and

**WHEREAS**, the Creede Board of Trustees has the right to determine the title and ballot question; and

**WHEREAS**, Colorado Revised Statute §1-7.5-104 authorizes the governing board of a political subdivision other than a county to determine to conduct an election as a mail ballot election; and,

**WHEREAS**, three election judges must be appointed at least fifteen days prior to the special election and Colorado Revised Statute §31-10-401 authorizes the Creede Board of Trustees to delegate the authority to appoint election judges to the Creede Town Clerk; and

**WHEREAS**, the Creede Board of Trustees finds that the delegation of such authority to appoint election judges to the Creede Town Clerk will promote the timely and efficient appointment of election judges

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, COLORADO** the following:

**Section 1. Special Election, Title and Ballot Question.** A special election is hereby called to be held on Tuesday, May 19, 2015 for consideration of the following ballot question:

#### **Permitting Marijuana Businesses in the City of Creede**

**Shall the Board of Trustees adopt regulations to permit (in whole or in part as determined appropriate by the Board of Trustees) marijuana establishments and medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturer's licenses in the City of Creede to the extent and pursuant to such limitations, restrictions, conditions, fees and regulations as the Board of Trustees shall determine by ordinance?**

## **DRAFT February 13, 2015**

**YES**\_\_\_\_\_

**NO**\_\_\_\_\_

**Section 2.** **Mail Ballot Election.** Special election on May 19, 2015 shall be conducted as a mail ballot election subject to rules promulgated in accordance with Article 4 of Title 24 of the Colorado Revised Statutes.

**Section 3.** **Town Clerk.** The Town Clerk is authorized and directed to take all actions as necessary and appropriate to conduct a mail ballot election on May 19, 2015, in accordance with the law. The Town Clerk is further authorized to appoint election judges.

**RESOLUTION INTRODUCED, READ, APPROVED AND ADOPTED ON MARCH 3, 2015.**

By:\_\_\_\_\_  
Eric Grossman, Mayor

Attest:\_\_\_\_\_  
Randi Snead, Town Clerk

February 6, 2015

**Open Letter to the Creede Town Board:**

**Honorable Mayor Grossman and Creede Town Trustees:**

The City of Creede, as many communities in the state of Colorado, is now involved in discussion about the potential of a/some retail marijuana facility/facilities within the town limits of Creede. With the financial struggles of so many communities, elected officials are always looking for ways to boost the economies of their towns and improve the lives of their constituents. These conversations have brought out many differing opinions in city and county residents, in favor for and against, the idea of bringing marijuana to the town of Creede. But the one thing WE ALL HAVE IN COMMON is we want the best for our community--Creede and Mineral County.

At the last town board meeting it was suggested that the town go to a vote of the Creede residents to decide this issue, because that would be the most democratic way to resolve this turmoil. We would like to discourage the Creede Town Board from immediately moving forward with this proposal. Unfortunately, the only thing the election will show is which side had the most votes that day. It will not eliminate any hard feelings that are brewing in our community.

We would like to encourage the Creede Town Board to take a step back, maintain the status of Ordinance 375 for another year, set-up a task force to research the many unanswered questions that come with this form of economic development, then the information can be presented to the Creede Town Board and to the community, so if an election is held, the citizenry can make an educated decision rather than an emotional decision.

We propose that the Board appoints a task force to research the effect marijuana has had on small generational/tourist communities that are destination locations. There are so many unanswered questions; one of those being what type of facility and number of facilities would even work in Creede--a retail shop, retail/grow facility, grow facility, medical marijuana facility, or retail/medical facility. That should be answered before anything moves forward.

This task force could be made up of citizens of the city and county, both pro and con, searching for facts about the potential impact of marijuana to Creede. We would suggest the mayor, a town board member, a county commissioner (they do have reasons to be involved), a resident, business owner, law enforcement (local & state), an educator, at the least be appointed to a task force. These people are charged with researching and finding out facts about questions proposed by town board members, community members, and elected officials. Closed-minded individuals need not apply; this is not a soapbox, but an informational search. During the one year continuation of Ordinance 375,

- The Creede Town Board can decide what type of facility they are considering,
- The Town Administrator can research the anticipated gain or loss of revenue this could bring to the town and the cost to the town of providing law enforcement with this new industry,
- The town attorney can begin researching different ordinances and fee schedules that address the marijuana facility/facilities in Creede,
- Ben can pursue the impact of marijuana facilities on our water and sewer systems, do we have enough water rights and capacity in our wastewater lagoons. Will there be an impact on the Rio Grande River from our wastewater lagoon,
- The health department can be contacted to address any new laws and the health inspector can inform the board of any responsibility they may have with the possible business if edible marijuana,
- SLVREC can be contacted to see if there is enough available electricity to power a new facility (grow),
- Discussion can be held with federal agencies about any loss of federal grant possibilities in the community, the effect on any federal facilities located in the City of Creede or potential impact on the Mineral County landfill which is partially located on leased federal land.

Obviously, these are only the tip of the questions out in the community and we feel we need facts to address these concerns and the many others, before the idea of a marijuana facility of any type is approved in Creede.

Please consider our request. We are sure this is one committee you will have no problem filling!!

Thank you for your consideration and we will look forward to hearing your decision.

Sincerely,

Deborah Roughton-Miles, business owner & resident

Ginger Alexander, resident

Nancy Albright, business owner

Rita Odom, business owner & resident

# CREEDE REPERTORY THEATRE

124 NORTH MAIN STREET • PO BOX 269 • CREEDE, COLORADO 81130

February 6, 2015

To the Trustees of the City of Creede:

In response to requests for information, CRT is issuing the following statement to clarify its relationship to the ongoing governmental process.

Creede Repertory Theatre (CRT) is neither in favor of nor opposed to the establishment of a retail marijuana store in Creede. CRT is a 501 (c) 3, not-for-profit organization. As such, CRT cannot propose, support, or oppose legislation. CRT has not and will not take a position on this issue or any legislative issue.

The following mission statement continues to guide our organization: As a cultural home for artists, residents, and visitors of the West, Creede Repertory Theatre will create a diverse repertory season of plays, new works, and dynamic education programs.

Many of CRT's employees are residents of Creede and Mineral County. As citizens of this community, each has the right to voice his opinions as his own, as well as engage and participate in the legislative process. The opinions of CRT's employees should not be mistaken for a position taken by the organization.

If you'd like more information about CRT's policies, please contact Cat Augur, Executive Director, at (719) 658-2540, ext. 226.