MSB notes

5/5/2016

Qtrly call w/ CDPHE

Present:
- David Kury
- Nathan Moore
- Janet Kieler
- Al Garcia
- Mike Boegler (me)

Inspections
- Progress on inspections
- EPA planned in 2016
- Hotchkiss — any ind'l SW there Nathan

Kersey — car wash & slaughterhouse
other ~~Sites~~ loading for Mn was off

Complaints follow up policy for

Enforcement
CDOT — Nathan thinks post-construction is biggest issue
* Chatfield — what's reason not to settle?

SSO inventory (from David)
Federal facilities that meet CO's 3-event (one ≥ 5000 gal) ~~SSO~~ threshold

Ft. Carson + Cheyenne Mtn. AF Station both had SSOs meeting state threshold

MS4 complaint example re: power washing

Grildner — Nathan referred them to EPA when they called the Small Business Contact at CDPHE in hopes of avoiding EPA

Recall records

XTO Energy — Janet is in discovery on [permit appeal?]

Pueblo — PT — reviewed 5 of 13 comments

Targeted small MS4 inspections — WE could do inspns in FY17 or later, but make them very targeted on particular MCMs
- Janet said this permit might by appealed by Weld Co. commissioners

Greg: Process water inspns shortfall in FY16 will continue into FY17 most likely due to inability to backfill vacancies

Janet has four vacancies (admin, data, permit writer)
July 1 is target for new S+G permit; effective 10/1 (if not appealed)
In July or later — we should meet Janet's new folks at CDPHE (Gwen/Al w/ me)

*Topic for next mtg: Janet - getting too many records she doesn't need?
I asked where they are coming from

NEXT →

- Wolf Creek Ranch (Mineral) - $128,831 penalty calculated. Violator indicated it has the ability to pay the penalty, just not the desire given long-standing feud with neighbors. Division Director agreed to settle case for payment of $62,000. Reduction based on Division Director discretion. A settlement agreement has not yet been signed.

- Peabody Sage Creek Mining (Routt) - Division anticipated bankruptcy so issued unilateral order for $64,082 on April 12th. Mailed the penalty order on April 13th, same day Peabody filed for bankruptcy.

- Lightner Creek MHP (La Plata) - Division was in the news as a result of enforcement action issued to MHP for ongoing unpermitted discharge. Newspaper headline incorrectly stating the Division was shutting down the MHP caused a stir and accusations of heavy-handedness. Follow-up editorial opined that Division is soft and inadequate because violations were allowed to go on for too long. Perhaps it's somewhere in between?

POTW FACILITIES

Boxelder Sanitation District WWTF - CO0020478:

The Delinquent narrative conditions item for "Complete Required Work or On-Site Construction End Construction," related to the Facility Upgrade schedule included in the previous permit has been met. The Division is working with data entry staff to resolve the violation in ICIS. The facility has successfully converted from a lagoon system to a mechanical system with a corresponding new permit which took effect on May 1, 2016.

Cherokee Metro District - COX048348

The Division entered into a Compliance Order on Consent with Cherokee Metro on May 14, 2014 that includes a compliance schedule to address the total dissolved solids violations. The violations are being addressed through a combination of source reduction, public education, and the installation of new treatment. (Note: Cherokee Metro is also pursuing a water quality standards change or variance from the Water Quality Control Commission.) Due to the difficulty and cost of treating wastewater for total dissolved solids, final construction of all treatment technologies are not scheduled to be completed until 2022.

Delta WWTF - CO0039641:

The City of Delta submitted a permit modification application signed August 24, 2015 stating over the past few years all of the City's Categorical Industrial Users that discharge to the City of Delta Wastewater Treatment Plant have either closed or have left the area. In the spring of 2013 the City submitted an application for delisting to EPA Region VIII. EPA granted the delisting status from the requirements of Delta's approved pretreatment program and notified the City in a letter dated July 22, 2015. The City has committed to continued monitoring of any Significant Industrial Users and will continue an industrial user inventory to identify any potential new significant industrial users that may have an adverse effect on the treatment facility. The permit modification request was approved and became effective Mar 1, 2016, however it now includes annual pretreatment sampling in order to monitor pollutants of concern. The pollutants are identified in the pretreatment regulations found in 40 CFR 403 and in 40 CFR 122 Appendix D, Table III. The Division will continue to monitor the compliance of the City and will address any concerns accordingly.

Evans WWTF - CO0020508:

The City of Evans treatment facility was adversely impacted by the historic September floods of 2013, the effects of which the City reports have impacted their ability to meet BOD effluent limitations. The City provided a comprehensive report outlining the damages, including a loss of aeration capability with damage to five of

13 surface aerators, loss of transfer piping between lagoons (previously were utilizing an open trench between lagoon cells, repairs have been completed), erosion of embankments, collection of settlement and debris from flood waters, etc. The City has taken action to repair the essential aspects of the headworks and return to normal operations, while exploring future long term solutions for the facility to attain consistent, reliable effluent discharge within the limits set forth in the permit. The City is actively pursuing funding options with the Division's Grants and Loans Unit and has applied for flood relief monies from the State in the amount of $1 million, as well as pursuing additional grants and loans. The City has implemented a rate increase to help fund the long term plans for expanding and combining the facility with the City's Hill-N-Park treatment facility as well. The Division is continuing to monitor progress and work with representatives of the City to identify the most effective and efficient means of identifying interim measures while allowing for progress in the long term planning of an upgraded facility. The colder temperatures have proven to be a challenge for the lagoon systems, the facility attempted to address the BOD issues with the treatment options currently available by re-circulating water from the polishing pond back to the first cell, in the hopes greater retention would lead to greater removal. There was improvement of the effluent BOD once the re-circulation efforts were commenced. The City has recently received the FEMA funding applied for after the 2013 floods and anticipates repairing all of the blowers will assist in BOD removal. For the new facility, the City has a finalized contract that has gone to City council for review; all but one easement required have been obtained and the final one is in negotiations with DCP Energy; final construction drawings and specifications are complete and have been issued for construction; the loan the City applied for with Western Area Power Administration (WAPA) has closed and financing is in place; and the City is working to have a pre-construction meeting in early July 2016 with the plan to commence construction in August 2016.

Harold D Thompson Regional WW Reclamation Facility - CO0000005:

The potentially dissolved copper violations are a result of the facility exceeding the 2 Year Rolling Average. The Permit has a 30 Day Average limit of 26 µg/L, a Daily Max limit of 41 µg/L, and a 2 Year Rolling Average limit of 9.2 µg/L. In April 2016 the facility still reported the rolling average slightly above the permit limit with a reported value of 10.2 µg/L. This still demonstrates a slowly decreasing value as the March 2016 reported data was 11.15 µg/L. The 2 Year Rolling Average will take time to decrease mathematically. The facility has not exceeded the monthly limits. The Facility is working to address copper amounts discharged in the effluent. Additionally the Facility is in the process of addressing a narrative conditions schedule in the Permit for phosphorus control. The Facility currently intends to use a chemical physical approach utilizing a coagulating and flocculating chemical to remove dissolved phosphorus from treated water. The Facility anticipates the process will also aid in the removal of potentially dissolved copper. The Division intends to continue watching the reported data and will escalate enforcement as necessary.

Colorado QNCR - 2nd Quarter 2016 Annotations
QNCR Run Dated 5/30/2016
(Excluding Federal Facilities and Pretreatment Violations)

Iowa Hill Water Reclamation - CO0045420:

Iowa Hill Water Reclamation was sent a compliance advisory for the delinquent January 2016 300I DMR on April 8, 2016. The facility submitted the DMR and was received by the Division on April 15, 2016. The QNCR states RNC Resolution Code: 2 - RE-Back into Compliance. No further action is required at this time.

Town of Lochbuie - CO0047198:

The Town commented in Net DMR that the November 2015 exceedance of Total Recoverably Arsenic was believed to be the result of contaminated sampling equipment. Once the facility became aware of the elevated results, an internal investigation lead to the discovery the sample tubing for the automated sampler was dirty and had not been changed for over six months. New tubing was installed and the sampler container was replaced. December 2015 results came back within limits. January 2016 results showed elevated levels of arsenic and selenium. The Net DMR comment states it is believed to be a result of a combination of groundwater infiltration into manholes as well as the decant from the digester. The facility scheduled three manholes to be lined within 60 days following the elevated results. Since January, the results have been within permit limits. The Division intends to continue to monitor the Town's compliance and will escalate enforcement as necessary.

Mulberry WWTP - CO0026425:

In March of 2015 the facility failed both minnow end points. No notification was submitted to the Division other than the DMR, and no automatic compliance actions were taken. The Division sent a compliance advisory on June 3, 2015. As a result of the Whole Effluent Toxicity failure, the Division created a Single Event Violation in ICIS. The facility has been in compliance since the March 2015 issue, however, the SEV continues to trigger the QNCR and will likely do so until the violation is resolved in ICIS. The Division intends to continue monitoring the facility's compliance and will escalate as deemed necessary.

Pueblo West Metro District WWTF - CO0040789:

In a letter dated March 8, 2016 the District stated no effluent concentrations above the 1.2 µg/L limit have been observed at the facility. Looking in Net DMR there have been some months since the limit took effect in which 1.2 µg/L was reported. The District believes they should be able to meet the Potentially Dissolved Cadmium limit, but continues to sample in an attempt to identify areas in the process that can be further optimized. The Division will request a more comprehensive report demonstrating the facility's ability to meet the final limit, continue to monitor compliance with the permit and escalate enforcement as needed.

Colorado QNCR - 2nd Quarter 2016 Annotations
QNCR Run Dated 5/30/2016
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Rocky Ford WWTF - CO0023850:

The Division issued a Notice of Violation / Cease and Desist Order to the City of Rocky Ford on April 27, 2010. The facility has been in the process of completing necessary upgrades to the wastewater lagoons. The facility indicated the elevated levels of Total Suspended Solids were likely the result of an upset caused by activities surrounding sludge removal and lining of the lagoons as part of the improvement project. The Division has been in communication with the facility and was assured that all steps to mitigate effluent exceedances during the lagoon upgrades were taken going forward. The Division sent an approval letter for Final Plans and Specifications for Construction dated May 27, 2015. The lagoon improvements have been completed and the Division will monitor compliance with the Permit. Settlement discussions with the City will commence shortly. The Division intends to address the missing April 2015 DMRs during settlement discussions and will continue to monitor the facility's progress and escalate any additional enforcement concerns accordingly.

Woodmen Hills Metro District - CO0047091:

Woodmen Hills Metro District is under enforcement for effluent exceedances of BOD, among other violations. Woodmen Hills has entered in to a Compliance Order on Consent (MC-150312-1) that included a timeline for the construction of a new waste water treatment facility and a civil penalty agreement. Woodmen Hills has currently met the requirements outlined in MC-150312-1 and the Division is continuing to monitor further progress relating to MC-150312-1 and any other treatment issues that arise at the current waste water treatment facility.

Erie North Water Reclamation Facility - CO0048445:

The potentially dissolved copper violations are a result of the facility exceeding the 2 Year Rolling Average. The Permit has a 30 Day Average limit of 75 µg/L, a Daily Max limit of 82 µg/L, and a 2 Year Rolling Average limit of 4.9 µg/L. In April 2016 the facility still reported the rolling average slightly above the permit limit with a reported value of 5.4 µg/L. This still demonstrates a slowly decreasing value as the January 2016 reported data was 5.8 µg/L. The 2 Year Rolling Average will take time to decrease mathematically. The facility has not exceeded the monthly limits. The Town is working with a consulting engineer to address copper amounts discharged in the effluent. Additionally the Town is in the process of renewing the permit and intends to attempt to negotiate a more reasonable discharge limit for the 2 Year Rolling Average with the Permit Section. The Division intends to continue watching the reported data and will escalate enforcement as necessary.

NON-POTW FACILITIES

Fort Morgan Facility - CO0041351:

In April 2016, Western Sugar proposed a plan to achieve the goals of the 2012 COC and permit effluent limitations. This plan includes significant facility modifications aimed at reducing pollutant load/ concentration and reducing the amount of water required during beet processing. Western Sugar has secured funding for the project and has initiated some of the activities outlined in the plan, however, given the extent of facility modifications necessary Western Sugar has requested additional time to achieve compliance under the 2012 COC and permit. The division is open to revising the 2012 COC to account for the additional time Western Sugar will need for the facility modifications but is awaiting supplemental information from Western Sugar (specifically quantification of pollutant reduction and justification for proposed project milestones) before any modifications will be formalized. Until such a time that a revised agreement is executed, Western Sugar will remain out of compliance with the schedule outlined in the 2012 COC.

London Water Tunnel- CO0038334:

In May 2016, the division entered into a global settlement agreement with the current owners and potential purchasers of the London Mine. This settlement provides a venue for a new, viable entity to take ownership of the mine and associated discharge, subject to (among others) a due diligence period that expires July 8, 2016. In the interim, the division has negotiated a draft agreement with the purchasers of the mine that includes milestones for permit transfer, mine investigation, treatment upgrades, and permit compliance. As it currently stands, the purchase and sale agreement is set to close on July 15, 2016.

Seneca Mine Complex - CO0000221:

The Facility's 012A DMR from 12/31/2015 was turned in after a compliance advisory was sent so these violations are resolved.

The MN1-3 and MN0-5 DMRs from 3/31/16 were incomplete but the cover letter states that the tests were not completed. This was an oversight due to a transition of sampling personnel. The personnel have already sampled for Q2 and all parameters will be completed moving forward. No further action is warranted at this time.