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Colorado Department of Public Health and Environment
Water Quality Control Division (WQCD)
Public Notice No. CO-4-2021
Denver, Colorado April 8, 2021

This notice states that the CDPHE intends to issue, deny, modify, revoke and reissue, terminate or reissue, Colorado Discharge Permit System permits, pursuant to the Clean Water Act, and the Colorado Water Quality Control Act. All permits are subject to the U.S. Environmental Protection Agency (EPA) review. WQCD has made tentative determinations in conjunction with EPA that limitations and conditions imposed in these permits implement all applicable statutes and regulations and water-quality standards. Written comments or written requests for a public meeting on the tentative determination are to be submitted to WQCD by **May 10, 2021**. Also, written comments must be received by this date from any person who believes the proposed actions have the potential to cause material injury to a water right. Additional information is available at the County Clerk and Recorder’s office of the county in which the proposed discharge is to occur or at the WQCD’s office (303-692-3517): The mailing address for written public comments is - CDPHE, WQCD-P-B2, 4300 Cherry Creek Drive South, Denver, Colorado 80246-1530. This notice also informs the public of possible water quality enforcement/penalty actions, which are open for public comment until the date identified above. The website to view the public notice, permit drafts and additional information on settlements/penalty actions can be located at <https://cdphe.colorado.gov/water-quality-draft-permit-actions>

Permit Number Action	Permittee Facility	County Discharge to	Permit Writer	Notice End Date
CO0045420 Modification 3	Upper Blue Sanitation District Iowa Hill Reclamation Facility	Summit County Blue River	Nathan Bradley	5/10/2021
CO0048830 Modification 1	Town of Gypsum Gypsum WWTF	Eagle County Eagle River	Nathan Bradley	5/10/2021

Proposed Withdrawal of Permitting Policy WQP-5

The Water Quality Control Division is proposing to withdraw its *Permit Policy for Mining Activities* permitting policy ([WQP-5](#), published in 1987). The division will accept comment on the proposed withdrawal for 30 days (until May 8, 2021). Comments may be sent to meg.parish@state.co.us. The division will consider, but will not necessarily respond to, public comments in its final decision regarding this policy.

The *Permit Policy for Mining Activities* policy has several errors and is inconsistent with policy [WQP-1, Permit Inactivation Policy When a Discharge Remains](#). Further, WQP-5 includes guidance which is not consistent with or does not incorporate current regulations, including federal Effluent Limit Guidelines (ELGs); 5 CCR 1002-31, Regulation No. 31, Basic Standards and Methodologies for Surface Water, which requires protection of beneficial uses; and federal and state stormwater regulations promulgated subsequent to this policy. Therefore, the division proposes to withdraw WQP-5.

401 Certification For Epa Pesticide General Permit Opportunity For Comments

The draft EPA 2021 Pesticide General Permit in the chart below has been received by the Water Quality Control Division. In Colorado, this permit only applies to the discharge of pesticides from federal facilities (like Department of Defense bases, the Denver Federal Center, and federal prisons). The State of Colorado has its own pesticides permit for non-federal dischargers, <https://cdphe.colorado.gov/water-quality-aquatic-pesticides-permit>.

Under section 401 of the Clean Water Act a federal agency may not issue a permit or license to conduct any activity that may result in any discharge into waters of the United States unless a state issues a Section 401 water quality certification that the discharge will comply with the Clean Water Act, Colorado water quality protections (including standards and antidegradation protections), and Colorado law. The division can issue a regular certification with no additional conditions, a conditional certification with additional conditions necessary to ensure compliance with existing water quality standards and other protections, or deny certification because the permit will lead to a violation of Colorado law or water quality protections.

The division has made a draft determination that no additional conditions are necessary for this permit to ensure compliance with with the Clean Water Act, Colorado water quality protections (including standards and antidegradation protections), and Colorado law. If you have comments on this draft determination, please send them to John Nieland at john.nieland@state.co.us by May 8, 2021.

Public Notice of Enforcement Settlement/Penalty Actions

Purpose of Public Notice: To solicit public comment on the proposed Compliance Order on Consent between the Division and Thompson Thrift Construction, Inc. This compliance order resolves violations of the Colorado Water Quality Control Act by Thompson Thrift Construction identified in Notice of Violation / Cease and Desist Order Number SO-191023-1 issued on October 23, 2019. Thompson Thrift Construction was conducting construction activities near 54th Avenue and Tower Road in El Paso County, Colorado and at North Union Boulevard and North Powers Boulevard in El Paso County, Colorado. Division Contact: Eric Mink, (303) 692-2312 / eric.mink@state.co.us.

Purpose of Public Notice: To solicit public comment on the April 7, 2021 Compliance Order on Consent between the Division and Castle Rock Construction Company of Colorado, LLC. This agreement resolves Castle Rock Construction Company of Colorado's violations of the Colorado Water Quality Control Act and a discharge permit identified in the Notice of Violation / Cease and Desist Order issued to Castle Rock Construction Company of Colorado on July 30, 2019. Castle Rock Construction Company of Colorado conducted road construction activities in Denver County, Colorado. Division Contact: Jacob Dyste, (303) 692-3290 / jacob.dyste@state.co.us.

Purpose of Public Notice: To solicit public comment on the proposed Compliance Order on Consent between the Division and Maple Multi-Family Contractor, L.L.C. This compliance order resolves violations of the Colorado Water Quality Control Act by Maple Multi-Family Contractor identified in Notice of Violation / Cease and Desist Order Number SO-201023-1 issued on October 23, 2020. Maple Multi-Family Contractor was conducting construction activities at the Diagonal Crossing Project in Boulder County, Colorado. Division Contact: Eric Mink, (303) 692-2312 / eric.mink@state.co.us.

Purpose of Public Notice: To solicit public comment on the proposed Compliance Order on Consent between the Division and RMS Utilities, Inc. This compliance order resolves violations of the Colorado Water Quality Control Act by RMS Utilities identified in Notice of Violation / Cease and Desist Order Number SO-191118-1 issued on November 18, 2019. RMS Utilities was conducting waterline replacement activities near Pikes Peak Highway and Chipita Park Road in unincorporated El Paso County, Colorado. Division Contact: Eric Mink, (303) 692-2312 / eric.mink@state.co.us.

Purpose of Public Notice: To solicit public comment on the March 26, 2021 Order for Civil Penalty issued to Elegant Hills Park & Estates, LLC. This Order resolves Elegant Hills Park & Estates, LLC's violations of the Water and Wastewater Facility Operators Certification Statute identified in the Operator Certification Notice of Violation issued to Elegant Hills Park & Estates, LLC on March 5, 2021. Elegant Hills Park & Estates, LLC owns and operates the Lakeside wastewater treatment facility in Montezuma County. Division Contact: Mandy Mercer, (303) 692-2283 / mandy.mercer@state.co.us.

Documents related to the above enforcement actions are available for public inspection at the Division. Copies of the above actions are available upon written request to the Division. Public comments should be submitted by **May 10, 2021** and directed to CDPHE, WQCD-CWE-B2, 4300 Cherry Creek Drive South, Denver, CO 80246-1530.

