Chatfield Watershed Authority
Diane Kielty, Authority Manager
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December 27, 2022

Joni Nuttle, Senior TMDL Specialist
Watershed Section
Water Quality Control Division
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, CO 80246-1530

Bret Icenogle, P.E.
Engineering Section Manager
Water Quality Control Division
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, CO 80246-1530

Re: JRW/ Pine Canyon Site Application Approval No. ES.20.SA.05399

Dear Ms. Nuttle and Mr. Icenogle,

On December 1, 2022, notice was provided in the December 2022 Water Quality Bulletin that the site location application for the Pine Canyon Water and Sanitation District's Pine Canyon Water Reclamation Facility (WRF) was found by the Water Quality Control Division (Division) to be in conformance with the Water Quality Control Commission's Site Location and Design Regulations for Domestic Wastewater Treatment Works, 5 CCR 1002-22 (Regulation 22) and was approved (Regulation 22 Site Location Approval No. ES.20.SA.05399). The conditions of approval were provided in the letter dated November 16, 2022, from the Division to Jim Walker regarding the subject application.

The approval of the site application was discussed with the Chatfield Watershed Authority's (Authority) Technical Advisory Committee (TAC) at the TAC's December 6, 2022, meeting.

After discussion, the TAC decided not to appeal the issuance of the site application approval but instead decided to formally remind the Division of the Authority's opposition with the Division's finding that the proposed WRF would be able to operate using a land application management plan (LAMP) without the requirement of a wasteload allocation under the requirements of Regulation #93. These concerns were addressed to the Division in the Authority's June 8, 2022, review letter regarding the subject site application and in the Authority's technical consultant's (RESPEC Company LLC.) review status memorandum dated June 7, 2022 (both attached). In the June 8, 2022, letter the Authority requested that, if the Division were to approve the site application, there be eight conditions applied as conditions of approval of a National Pollution Discharge Permit Elimination System (NDPES) permit for the WRF. Although the Authority believes these same conditions would be applicable to the site application approval, it does not appear that any of those conditions were included in the Division's approval of the site application.

The Authority strongly believes that the LAMP, as approved by the Division on March 7, 2022, does not contain terms and conditions strict enough to prevent the discharge of phosphorus into the streams and groundwater of the Chatfield watershed. Other dischargers in the Chatfield watershed, who deliver treated effluent for landscape irrigation under the requirements of the Water Quality Control Commission's (WQCC) Regulation #84, must control the amount of phosphorus in their effluent used for irrigation under almost the identical terms as the proposed LAMP but are required to report the portion of phosphorus in their decreed irrigation return flow as a portion of their annual phosphorus wasteload allocation. In contrast, the LAMP approval presumes, and specifically states, that all return flows, whether by surface runoff or groundwater infiltration, is presumed and shall contain no phosphorus, and thus allows such to occur without a wasteload allocation. This is the main concern of the Authority with this approved application.

In conclusion, the Authority understands that the WRF must still obtain a permit prior to operation of the WRF. The Authority thus again recommends and requests that the eight conditions of approval presented in the Authority's June 8, 2022, letter, as repeated below, be applied as conditions on the permit for this WRF.

1. Require all irrigated landscapes be designed and stamped by a licensed landscape architect with certification that, if the irrigation system is operated as designed, that it will have a minimum irrigation efficiency of 85%.
2. Require all irrigation systems to have soil moisture sensors.
3. Require all irrigation systems have precipitation sensors and shut-off controls,
4. Require the treater to provide all users a weekly ET irrigation requirement based on the then existing climate and expected weather conditions,
5. Require the treater to conduct annual irrigation audits of all irrigation systems.

6. Require residential irrigation to only occur between the hours of 8 pm to 8 am for constancy with the Town of Castle Rock's watering hours to avoid confusion between residents of Pine Canyon and the Town of Castle Rock.
7. Require the treater to conduct regular drive-by inspections and enforcement of irrigation system users during the allowed daily irrigation time frame (i.e., 8 pm to 8 am),
8. Require that the requirements of the LAMP and Regulation 84 be included in the covenants of the development and recorded to put future buyers on notice of the specific rules, requirements, and limitations associated with irrigation in the Pine Canyon development.

The Authority appreciates the opportunity to provide comments to the Division as it processes the NDPES permit for this WRF and would be happy to provide further input if requested.

Respectfully,

Weston Martin	Ryan Adrian
Wes Martin	Ryan Adrian
TAC Chair	TAC Vice-Chair

cc: Chatfield Watershed Authority Board Members