October 11, 2022

Colorado Department of Public Health and Environment
Water Quality Control Division
WQCD-B2-CWE
ATTN: Mandy Mercer
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

RE: Jellystone Park at Larkspur WWTF COX631080

Dear Ms. Mercer:

On behalf of the Chatfield Watershed Authority (CWA) as its Technical Consultant, we would like to provide you CWA's input regarding the Division's finding of significant noncompliance with the permit effluent limitations as documented in the Division's letter to Sun Jelly Larkspur CO RV LLC dated August 12, 2022, and other documented violations of the effluent limits.

Water Quality Control Regulation #73 requires wastewater treatment facilities in the Chatfield Watershed to meet certain effluent discharge and wasteload allocations. For the subject facility, the requirements limit the subject facility's discharge of total phosphorus to 1.0 mg/l with a wasteload allocation of 72.6 lbs/year. The reported total phosphorus discharged from the subject facility in 2021 was 105.2 lbs. This amount exceeded the allowable annual wasteload allocation assigned to the subject facility of 72.6 lbs.

The CWA and ultimately, the Division, approved a phosphorus trade for the subject facility. The CWA's approval of said trade was conditioned on Sun Jelly meeting certain pre-construction and post-construction conditions (labelled as Conditions 1-6 in CWA's approval letter dated November 14, 2019 (attached)). Sun Jelly has met Conditions 1-5. Condition 6 stated that "The applicant shall monitor the phosphorus concentration of the WWTF influent and provide a yearly report to the CWA (by January 31 of each year) providing the monitoring results and calculating the average WWTF influent phosphorus concentration for that year and the total phosphorus influent load based upon the flow rates used for the original credit calculation. This information may be used to revise the phosphorus credits based upon the provisions of "Section VIII(C) Adjustments and Revocations" of the Guidelines".

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In addition, the "Certification to Discharge Under CDPS General Permit COX631000 Domestic Wastewater Treatment Systems Discharging To Groundwater With Land Disposal of Effluent" includes "002-A Effluent Monitoring Requirements per Part I.B.2 of the Permit and the Fact Sheet". The maximum discharge load of Total Phosphorus as P is limited to 72.6 lbs/year. Footnote 2 to this limit states the following: "Per the fact sheet final approval of the annual waste load allocation is dependent on documentation that the conditions outlined in CWA's 11/14/19 letter are met. Should the facility fail to meet the CWA conditions, the Division may modify or terminate the permit certification as appropriate".

As of the date of this letter, Sun Jelly has not provided the annual report required pursuant to CWA Condition 6 and the subject "Certification". The CWA provided a courtesy email to Sun Jelly on April 29, 2022, requesting the annual report and written explanation as to the cause of the total phosphorus exceedances and what efforts were being performed to bring the facility back into compliance (attached). RESPEC received a telephone response to the email stating that a written response would be provided. However, as of this date, no such written response has been provided to the CWA.

In addition to the effluent violation for exceeding the total phosphorus concentration limit of 1 mg/l reported in the Division's August 12, 2022, letter, the facility also exceeded the total phosphorus concentration limit of 1.0 mg/l in September, October, November, and December 2021, and possibly on other dates.

The violations of the total annual phosphorus wasteload allocation and the total phosphorus effluent concentration limits are of significant concern to the CWA, especially if these violations continue to occur without certainty that the problems with the facility causing these violations are being corrected in an expedited time frame. Loads and concentrations higher than the approved limits could potentially affect the total phosphorus concentration and chlorophyll a level in Chatfield Reservoir which the CWA is trying to protect. The violation of Condition 6 of the certification and CWA's requirements is also of significant concern to the CWA. This condition was implemented to provide verification that the estimated total phosphorus loads to the decommissioned septic systems used for the phosphorus trade is consistent with the total phosphorus loads measured at the plant influent. If inconsistencies are found, the annual wasteload allocation may need to be adjusted.

The CWA is not requesting any specific action be taken by the Division at this time. However, the CWA would like to be kept informed as to the solution and progress towards solving the current effluent issues and the Division's proposed regulatory actions based on these violations. At the appropriate time, the CWA would like to discuss and cooperate with the Division and Sun Jelly on possible actions that Sun Jelly could take to mitigate the effects to the Chatfield watershed due to the documented effluent violations. We also encourage Sun Jelly to come to the table to propose and find solutions to protect the watershed. We believe that with Sun Jelly cooperation with the CWA, the CWA can bring

Sun Jelly value if they step up and support the CWA's water quality goals through projects or other means, including help with funding of the CWA's projects and programs.

Let me know if you have any questions or require further clarifications.

Sincerely,

RESPEC, Company, LLC

Alan J. Leak, P.E.
Chatfield Watershed Authority Technical Consultant

cc: Diane Kielty, CWA Manager
Weston Martin, CWA TAC Chair
Ryan Adrian, CWA TAC Vice-Chair
John McLaren, Pres COO, Sun Jelly Larkspur CO RV LLC

Attachment

From:	Alan Leak
To:	ewood@suncommunities.com
Cc:	willsemocor@hotmail.com; Colorado Watershed Assembly; Sarah Klahn; Michael Daugherty
Subject:	Jellystone Park at Larkspur WWTF Annual Report for the Chatfield Watershed Authority
Date:	Friday, April 29, 2022 8:23:00 AM
Attachments:	image001.png image002.png image003.png image004.png image005.png

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Mr. Wood:

I am contacting you as the technical consultant to the Chatfield Watershed Authority (CWA) regarding the Jellystone Park at Larkspur WWTF. On November 5, 2019, the CWA approved a phosphorus trade for the subject facility with six conditions of approval. Condition #6 stated "The applicant shall monitor the phosphorus concentration of the WWTF influent and provide a yearly report to the Authority (by January 31 of each year) providing the monitoring results and calculating the average WWTF influent phosphorus concentration for that year and the total phosphorus influent load based upon the flow rates used for the original credit calculation. This information may be used to revise the phosphorus credits based upon the provisions of "Section VIII(C) Adjustments and Revocations" of the Guidelines." As of today, I nor the CWA has received the required annual report.

In addition, the information provided by your facility contact (SEMOCOR Inc.) and as represented by the online data maintained by the Colorado Division of Public Health and Environment (CDPHE) shows that, in 2021, the subject facility exceeded the total phosphorus wasteload allocation of 72.6 pounds/year by 56.6 pounds and exceeded the 1 mg/l total phosphorus discharge concentration limit from September through December. Therefore, in addition to the annual report, please provide a written explanation as to the cause of the total phosphorus exceedances and what efforts are being performed to bring the facility back into compliance. Once received, the annual report and your written response letter will be provided to the CWA for review and possible further action.

If you have any questions, please give me a call. Thanks. Alan

Alan J. Leak
Principal
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