

# STATE OF COLORADO

Bill Ritter, Jr., Governor  
James B. Martin, Executive Director

Dedicated to protecting and improving the health and environment of the people of Colorado

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Colorado Department  
of Public Health  
and Environment

January 16, 2009

Michael J. Zopf, Director  
Routt County Department of Environmental Health  
Routt County Board of County Commissioners for the Community of Phippsburg  
Box 770087  
Steamboat Springs, CO

**RE: Compliance Order on Consent, Number: MC-090116-1**

Dear Mr. Zopf:

Enclosed for Routt County Board of County Commissioners for the Community of Phippsburg records you will find your copy, with original signatures, of the recently executed Compliance Order on Consent.

Please remember that this agreement is subject to a thirty-day public comment period (paragraph 33). Upon initiation, if the Division receives any comments during this period we will contact your office to discuss. Also, please be advised that the first page of the Order was changed in order to place the assigned Order Number on the final document.

If you have any questions, please don't hesitate to contact Ginny Torrez at (303) 692-3612 or by electronic mail at [ginny.torrez@state.co.us](mailto:ginny.torrez@state.co.us).

Sincerely,

Kristi-Raye Beaudin, Legal Assistant  
Water Quality Protection Section  
WATER QUALITY CONTROL DIVISION

cc: Routt County Department of Environmental Health  
MS-3 File

cc: Aaron Urdiales, EPA Region VIII  
Andy Poirot, Engineering Section, CDPHE  
Dick Parachini, Watershed Program, CDPHE  
Gary Beers, Permits Unit, CDPHE  
Carolyn Schachterle, OPA

*Enclosure(s)*



**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT  
WATER QUALITY CONTROL DIVISION**

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**COMPLIANCE ORDER ON CONSENT**

**NUMBER: MC-090116-1**

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**IN THE MATTER OF:   ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS  
                              FOR THE COMMUNITY OF PHIPPSBURG  
                              CDPS GENERAL PERMIT NO. COG-582000/COG-589000  
                              FACILITY NO. COG-582020/ COG-589026  
                              ROUTT COUNTY, COLORADO**

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The Colorado Department of Public Health and Environment (“Department”), through the Water Quality Control Division (“Division”), issues this Compliance Order on Consent (“Consent Order”), pursuant to the Division’s authority under §25-8-605, C.R.S. of the Colorado Water Quality Control Act (“the Act”) §§ 25-8-101 to 703, C.R.S., and its implementing regulations, with the express consent of Routt County Board of County Commissioners for the Community of Phippsburg (“Routt County”). The Division and Routt County may be referred to collectively as “the Parties.”

**STATEMENT OF PURPOSE**

1. The mutual objective of the Parties in entering into this Consent Order is to resolve, without litigation, the civil penalties associated with the alleged violations cited herein and in the Notice of Violation and Cease and Desist Order (Number MO-041229-1) issued to Routt County on December 29, 2004 (the “NOV/CDO”).

**DIVISION’S FINDINGS OF FACT AND DETERMINATION OF VIOLATIONS**

2. Based upon the Division’s investigation into and review of the compliance issues identified herein, and in accordance with §25-8-602 and 605, C.R.S., the Division has made the following determinations regarding Routt County, the Facility and Routt County’s compliance with the Act and its implementing regulations.
3. At all times relevant to the violations cited herein, Routt County was a Colorado county as defined by §30-5-160, C.R.S.

4. Routt County is a “person” as defined by the Water Quality Control Act, §25-8-103(13), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2(73).
5. Routt County owns and operates a wastewater treatment facility located in the Northwest 1/4 of Section 9, Township 3 North, Range 85 West, 6<sup>th</sup> Principal Meridian, Routt County, Colorado (the “Facility”). The Facility serves the community of Phippsburg.
6. The Facility is a “domestic wastewater treatment works” as defined by §25-8-103(5), C.R.S.
7. When the NOV/CDO was issued, Routt County was the subject of Colorado Discharge Permit System General Permit, Permit No. COG-582000 (the “Previous Permit”) which became effective August 1, 1999 and was due to expire July 31, 2004. On July 30, 2004, the Permit was extended by the Division until a renewed permit is issued. Routt County was authorized to discharge under the Previous Permit via a certification which became effective August 1, 1999 (the “Certification”). The Certification assigned an identification number of COG-582020 to the Facility. Effective December 1, 2005, Routt County became the subject of Colorado Discharge Permit System General Permit, Permit No. COG-589000 (the “Current Permit”) via certification number COG-589026. The Current Permit will expire October 31, 2010.
8. The treatment components of the Facility are aerated ponds, a polishing pond, a wetland basin and disinfection.
9. The Previous Permit and the Current Permit specify that Routt County is authorized to discharge wastewater from Outfall 001A of the Facility into Little White Snake Creek. The discharge is subject to the specific effluent limitations and other conditions of the Permit.

Failure to Comply with Permit Effluent Limitations

10. Pursuant to Part I.B.6.b of the Previous Permit and Part I.B.7.b of the Current Permit, among other parameters, Routt County’s discharge at outfall 001A should not have exceeded the effluent limitations specified below:

| Effluent Parameter   | Discharge Limitations |               |                 |
|--|-----------------------|---------------|-----------------|
|  | 30-Day Average        | 7-Day Average | Monthly Minimum |
| Total Suspended Solids (“TSS”), mg/l                       | 75 mg/l               | 110 mg/l      | --              |
| 5-Day Biochemical Oxygen Demand (“BOD <sub>5</sub> ”) mg/l | 30 mg/l               | 45 mg/l       | --              |
| BOD <sub>5</sub> Removal (%)                               | --                    | --            | 85%             |
| Fecal Coliform (#/100ml)                                   | 2,000                 | 4,000         |                 |

11. Pursuant to the requirements of the Previous Permit and the Current Permit, to provide an indication of the quality of the wastewater discharged into Little White Snake Creek, Routt County collects specific samples of the effluent.

12. The analytical results of the effluent samples are summarized and reported to the Division via monthly discharge monitoring reports (“DMRs”) which include a certification by Routt County that the information provided therein is true, accurate and complete, to the knowledge and belief of Routt County.
13. The DMRs for the months of June 2003 through September 2007 include, in addition to other data not subject of this action, the following data for 5-day biochemical oxygen demand, BOD removal, total suspended solids and fecal coliform which exceed the effluent limitations for outfall 001A imposed by the Current Permit and the Previous Permit.

| <b>EFFLUENT SELF-MONITORING DATA</b>  |                        |                              |
|---------------------------------------|------------------------|------------------------------|
| <b>DMR REPORTING PERIOD</b>           | <b>30-DAY AVERAGE</b>  | <b>MAXIMUM 7-DAY AVERAGE</b> |
| <b>BOD<sub>5</sub> (in mg/l)</b>      | <b>LIMIT = 30 mg/l</b> | <b>LIMIT = 45 mg/l</b>       |
| June 1-June 30, 2003                  | 56.2                   | 56.2                         |
| July 1-July 31, 2003                  | 50                     | 50                           |
| August 1-August 31, 2003              | 40.3                   | -                            |
| June 1-June 30, 2004                  | 43                     | -                            |
| July 1-July 31, 2004                  | 53.8                   | 53.8                         |
| August 1-August 31, 2004              | 37.9                   | -                            |
| September 1-September 30, 2004        | 32                     | 49.3                         |
| July 1-July 31, 2005                  | 31                     | -                            |
| September 1-September 30, 2005        | 61                     | 61                           |
| February 1-February 28, 2006          | 32                     | -                            |
| July 1-July 31, 2007                  | 33.2                   | -                            |
| <b>BOD<sub>5</sub> REMOVAL (as %)</b> | <b>LIMIT = 85%</b>     | <b>N/A</b>                   |
| June 1-June 30, 2003                  | 76.4                   | -                            |
| July 1-July 31, 2003                  | 68.2                   | -                            |
| August 1-August 31, 2003              | 84.1                   | -                            |
| May 1-May 31, 2004                    | 82.1                   | -                            |
| June 1-June 20, 2004                  | 65                     | -                            |
| July 1-July 31, 2004                  | 69.6                   | -                            |
| August 1-August 31, 2004              | 79.6                   | -                            |

|                                    |                            |                            |
|------------------------------------|----------------------------|----------------------------|
| September 1-September 30, 2005     | 58                         | -                          |
| June 1-June 30, 2007               | 82                         | -                          |
| July 1-July 31, 2007               | 75                         | -                          |
| September 1-September 31, 2007     | 80                         | -                          |
| <b>TSS (in mg/l)</b>               | <b>LIMIT = 75 mg/l</b>     | <b>LIMIT = 110 mg/l</b>    |
| June 1-June 30, 2003               | 76                         | -                          |
| May 1-May 31, 2004                 | 96                         | -                          |
| June 1-June 30, 2004               | 99                         | -                          |
| August 1-August 31, 2004           | 90                         | -                          |
| <b>FECAL COLIFORM (in #/100ml)</b> | <b>LIMIT = 2,000/100ml</b> | <b>LIMIT = 2,000/100ml</b> |
| December 1-December 31, 2005       | 2,500                      | -                          |
| June 1-June 30, 2007               | 3,617                      | -                          |

14. BOD<sub>5</sub>, BOD<sub>5</sub> Removal, TSS, and Fecal Coliform are “pollutants”, or indicators thereof, as defined by §25-8-103(15), C.R.S. and its implementing permit regulation 5 CCR 1002-61, §61.2(76).
15. Outfall 001A is a “point source” as defined by §25-8-103(14), C.R.S. and its implementing permit regulation 5 CCR 1002-61, §61.2(75).
16. Routt County’s discharges identified above in paragraph 13 in excess of permit limitations constitute a “Discharge of Pollutants” as defined by section 25-8-103(3), C.R.S.
17. Division records establish that the Previous Permit and the Current Permit did not authorize the pollutant discharge levels identified above in paragraph 13 and Routt County did not have any other permits authorizing such discharge into State Waters.
18. Routt County’s discharge in excess of the permit effluent limitations, as identified above in paragraph 13, constitutes violations of Part I.B.6.b of the Previous Permit and Part I.B.7.b of the Current Permit.

**ORDER AND AGREEMENT**

19. Based on the foregoing factual and legal determinations, pursuant to its authority under §25-8-602 and 605, C.R.S., and in satisfaction of the civil penalties associated with the alleged violations cited herein and in the Notice of Violation and Cease and Desist Order (Number MO-041229-1) issued to Routt County on December 29, 2004, the Division orders Routt County to comply with all provisions of this Consent Order, including all requirements set forth below.

20. Routt County agrees to the terms and conditions of this Consent Order. Routt County agrees that this Consent Order constitutes a notice of alleged violation and an order issued pursuant to §§ 25-8-602 and 605, C.R.S., and is an enforceable requirement of the Act. Routt County also agrees not to challenge directly or collaterally, in any judicial or administrative proceeding brought by the Division or by Routt County against the Division:
  - a. The issuance of this Consent Order;
  - b. The factual and legal determinations made by the Division herein; and
  - c. The Division's authority to bring, or the court's jurisdiction to hear, any action to enforce the terms of this Consent Order under the Act.
21. Notwithstanding the above, Routt County does not admit to any of the factual or legal determinations made by the Division herein, and any action undertaken by Routt County pursuant to this Consent Order shall not constitute evidence of fault by Routt County with respect to the conditions of the Facility.

### **SUPPLEMENTAL ENVIRONMENTAL PROJECTS**

22. Based upon the application of the Division's Civil Penalty Policy (May 1, 1993), and consistent with Departmental policies for violations of the Act, the Division has determined that a penalty of Twenty Two Thousand Four Hundred Thirty Seven Dollars (\$22,437.00) is appropriate for the violations cited herein and in the Notice of Violation and Cease and Desist Order (Number MO-041229-1) issued to Routt County on December 29, 2004.
23. Through the application of the criteria set forth in the Colorado Department of Public Health and Environment's Final Agency-Wide Policy on Settling Administrative and/or Civil Penalties Against Eligible Governmental Entities, the Division has determined the entire penalty can be mitigated through the completion of a Supplemental Environmental Project ("SEP") identified by Routt County and which is valued at Twenty Five Thousand Dollars (\$25,000.00).
24. Routt County shall undertake the following SEP, which the Parties agree is intended to secure significant environmental or public health protection and improvements:
  - a. Routt County shall donate Twenty Five Thousand Dollars (\$25,000.00) to the U.S. Department of the Interior, U.S. Geological Survey. The funds will be used for water quality monitoring aspect of a project known as the "Common Data Repository and Water Resource Assessment for the Upper Yampa River Basin, Western Colorado" ("the Data Repository and Water Resource Assessment") (*see attachment A*). The Data Repository and Water Resource Assessment will provide agencies, researchers, consultants, and interested stakeholders access to the latest water quality information for the Yampa River Basin. Routt County shall make the payment of Twenty Five Thousand Dollars (\$25,000.00) shall include with the donation a cover letter identifying the monies for the above-described project within ninety (90) calendar days of the effective date of this Consent Order, as follows: "U.S. Department of the Interior, U.S.G.S., Colorado Water Science Center" to the attention of David Brown, Director, P.O. Box 25046, Denver Federal

Center, Mail Stop 415, Lakewood, CO 80225. The cover letter shall specify that these monies were appropriated in the 2009 Routt County budget and are in addition to the Twenty Five Thousand Dollar (\$25,000.00) donation made from the 2009 budget. Routt County shall provide the Division with a copy of the cover letter and check within ninety (90) calendar days of the effective date of this Consent Order.

25. Routt County shall not deduct the expenses associated with the implementation of the above-described SEP for any tax purpose or otherwise obtain any favorable tax treatment of such payment or project.
26. Routt County hereby certifies that, as of the date of this Consent Order, it is not under any existing legal obligation to perform or develop the SEP. Routt County further certifies that it has not received, and will not receive, credit in any other enforcement action for the SEP. In the event that Routt County has, or will receive credit under any other legal obligation for the SEP, Routt County shall pay Twenty Two Thousand Four Hundred Thirty Seven Dollars (\$22,437.00) to the Division as a civil penalty within thirty (30) calendar days of receipt of a demand for payment by the Division. Method of payment shall be by certified or cashier's check drawn to the order of the "Colorado Department of Public Health and Environment," and delivered to:

Ms. Ginny Torrez  
Colorado Department of Public Health and Environment  
Water Quality Control Division  
Mail Code: WQCD-CADM-B2  
4300 Cherry Creek Drive South  
Denver, Colorado 80246-1530

27. The SEP must be completed to the satisfaction of the Division, by September 30, 2010. In the event that Routt County fails to comply with any of the terms or provisions of this Consent Order relating to the performance of the SEP, Routt County shall be liable for penalties as follows:
  - a. Payment of a penalty in the amount of Twenty Two Thousand Four Hundred Thirty Seven Dollars (\$22,437.00). The Division, in its sole discretion, may elect to reduce this penalty for environmental benefits created by the partial performance of the SEP.
  - b. Routt County shall pay this penalty within thirty (30) calendar days of receipt of written demand by the Division. Method of payment shall be as specified in paragraph 26 above.
28. Routt County shall submit a SEP Completion Report to the Division by November 15, 2010. The SEP Completion Report shall contain the following information:
  - a. A detailed description of the SEP as implemented;
  - b. A description of any operating problems encountered and the solutions thereto;
  - c. Itemized costs, documented by copies of purchase orders and receipts or canceled checks;
  - d. Certification that the SEP has been fully implemented pursuant to the provisions of this Consent Order; and

- e. A description of the environmental and public health benefits resulting from implementation of the SEP (with quantification of the benefits and pollutant reductions, if feasible).
29. Failure to submit the SEP Completion Report with the required information, or any periodic report, shall be deemed a violation of this Consent Order.
30. Routt County shall include the following language in any written public relations statement making reference to the SEP: "A portion of this project was undertaken in connection with the settlement of an enforcement action taken by the Colorado Department of Public Health and Environment for violations of the Colorado Water Quality Control Act."

### **SCOPE AND EFFECT OF CONSENT ORDER**

31. The Parties agree and acknowledge that this Consent Order constitutes a full and final settlement of the civil penalties associated with the violations alleged herein and in the Notice of Violation and Cease and Desist Order (Number MO-041229-1) issued to Routt County on December 29, 2004.
32. The Parties agree and acknowledge that this Consent Order constitutes a full and final settlement of the violations cited herein and the civil penalties associated therewith.
33. This Consent Order is subject to the Division's "Public Notification of Administrative Enforcement Actions Policy," which includes a thirty-day public comment period. The Division and Routt County each reserve the right to withdraw consent to this Consent Order if comments received during the thirty-day period result in any proposed modification to the Consent Order.
34. This Consent Order constitutes a final agency order or action upon a determination by the Division following the public comment period. Any violation of the provisions of this Consent Order by Routt County, including any false certifications, shall be a violation of a final order or action of the Division for the purpose of §25-8-608, C.R.S., and may result in the assessment of civil penalties of up to ten thousand dollars per day for each day during which such violation occurs.
35. Notwithstanding paragraph 21 above, the violations described in this Consent Order will constitute part of Routt County's compliance history for purposes where such history is relevant. This includes considering the violations described above in assessing a penalty for any subsequent violations against Routt County. Routt County agrees not to challenge the use of the cited violations for any such purpose.
36. This Consent Order does not relieve Routt County from complying with all applicable Federal, State, and/or local laws in fulfillment of its obligations hereunder and shall obtain all necessary approvals and/or permits to conduct the activities required by this Consent Order. The Division makes no representation with respect to approvals and/or permits required by Federal, State, or local laws other than those specifically referred to herein.

## **LIMITATIONS, RELEASES AND RESERVATION OF RIGHTS AND LIABILITY**

37. Upon the effective date of this Consent Order, and during its term, this Consent Order shall stand in lieu of any other enforcement action by the Division with respect to civil penalties for the specific instances of violations cited herein and in the Notice of Violation and Cease and Desist Order (Number MO-041229-1) issued to Routt County on December 29, 2004. The Division reserves the right to bring any action to enforce this Consent Order, including actions for penalties or the collection thereof, and/or injunctive relief.
38. This Consent Order does not grant any release of liability for any violations not specifically cited herein.
39. Nothing in this Consent Order shall preclude the Division from imposing additional requirements in the event that new information is discovered that indicates such requirements are necessary to protect human health or the environment.
40. Upon the effective date of this Consent Order, Routt County releases and covenants not to sue the State of Colorado or its employees, agents or representatives as to all common law or statutory claims or counterclaims arising from, or relating to, the violations of the Act specifically addressed herein.
41. Routt County shall not seek to hold the State of Colorado or its employees, agents or representatives liable for any injuries or damages to persons or property resulting from acts or omissions of Routt County, or those acting for or on behalf of Routt County, including its officers, employees, agents, successors, representatives, contractors, consultants or attorneys in carrying out activities pursuant to this Consent Order. Routt County shall not hold out the State of Colorado or its employees, agents or representatives as a party to any contract entered into by Routt County in carrying out activities pursuant to this Consent Order. Nothing in this Consent Order shall constitute an express or implied waiver of immunity otherwise applicable to the State of Colorado, its employees, agents or representatives.

## **SITE ACCESS**

42. The Division shall be permitted to oversee any and all work being performed under this Consent Order. The Division shall be permitted access to the Facility property at any time work is being conducted pursuant to this Consent Order, and during reasonable business hours during any period work is not being conducted, for the purposes of determining Routt County's compliance with the Act, the Regulations, and this Consent Order. The Division shall be permitted to inspect work sites, operating and field logs, contracts, purchasing/shipping records, and other relevant records and documents relating to this Consent Order or any requirement under this Consent Order and to interview Routt County personnel and contractors performing work required by this Consent Order. Nothing in this paragraph limits or impairs the Division's statutory authorities to enter and inspect the Facility.

## **FORCE MAJEURE**

43. Routt County shall perform the requirements of this Consent Order within the schedules and time limits set forth herein and in any approved plan unless the performance is prevented or delayed by events that

constitute a force majeure. A force majeure is defined as any event arising from causes which are not reasonably foreseeable, which are beyond the control of Routt County, and which cannot be overcome by due diligence.

44. Within seventy-two (72) hours of the time that Routt County knows or has reason to know of the occurrence of any event which Routt County has reason to believe may prevent Routt County from timely compliance with any requirement under this Consent Order, Routt County shall provide oral notification to the Division. Within seven (7) calendar days of the time that Routt County knows or has reason to know of the occurrence of such event, Routt County shall submit to the Division a written description of the event causing the delay, the reasons for and the expected duration of the delay, and actions which will be taken to mitigate the duration of the delay.
45. The burden of proving that any delay was caused by a force majeure shall at all times rest with Routt County. If the Division agrees that a force majeure has occurred, the Division will so notify Routt County. The Division will also approve or disapprove of Routt County's proposed actions for mitigating the delay. If the Division does not agree that a force majeure has occurred, or if the Division disapproves of Routt County's proposed actions for mitigating the delay, it shall provide a written explanation of its determination to Routt County. Within fifteen (15) calendar days of receipt of the explanation, Routt County may file an objection.
46. Delay in the achievement of one requirement shall not necessarily justify or excuse delay in the achievement of subsequent requirements. In the event any performance under this Consent Order is found to have been delayed by a force majeure, Routt County shall perform the requirements of this Consent Order that were delayed by the force majeure with all due diligence.

### NOTICES

47. Unless otherwise specified, any report, notice or other communication required under the Consent Order shall be sent to:

For the Division:

Colorado Department of Public Health and Environment  
Water Quality Control Division / WQCD-CADM-B2  
Attention: Ginny Torrez  
4300 Cherry Creek Drive South  
Denver, Colorado 80246-1530  
Telephone: 303.692.3612  
E-mail: [gabby.torrez@state.co.us](mailto:gabby.torrez@state.co.us)

For Routt County:

Michael J. Zopf, Director  
Routt County Department of Environmental Health  
Box 770087  
Steamboat Springs, CO 80477

### MODIFICATIONS

48. This Consent Order may be modified only upon mutual written agreement of the Parties.

### COMPLETION OF REQUIRED ACTIONS

49. Routt County shall submit a Notice of Completion to the Division upon satisfactory completion of all requirements of this Consent Order. The Division shall either accept or reject Routt County's Notice of Completion in writing within thirty (30) calendar days of receipt. If the Division accepts Routt County's Notice of Completion, the obligations set forth in this Consent Order are deemed to have been met and this Consent Order shall terminate. If the Division rejects Routt County's Notice of Completion, it shall include in its notice a statement identifying the requirements that the Division considers incomplete or not satisfactorily performed and a schedule for completion. Routt County shall, within fifteen (15) calendar days of receipt of the Division's rejection, either:
- a. Submit a notice of acceptance of the determination; or
  - b. Submit a notice of dispute.

If Routt County fails to submit either of the above notices within the specified time, it will be deemed to have accepted the Division's determination.

50. If Routt County files any notice of dispute pursuant to paragraph 49 the notice shall specify the particular matters in the Division's determination that Routt County seeks to dispute, and the basis for the dispute. Matters not identified in the notice of dispute shall be deemed accepted by Routt County. The Division and Routt County shall have thirty (30) calendar days from the receipt by the Division of the notification of dispute to reach an agreement. If agreement cannot be reached on all issues within this thirty (30) calendar day period, the Division shall confirm or modify its decision within an additional fourteen (14) calendar days, and the confirmed or modified decision shall be deemed effective and subject to appeal in accordance with the Act and the Colorado State Administrative Procedures Act, §§ 24-4-101 through 108, C.R.S.

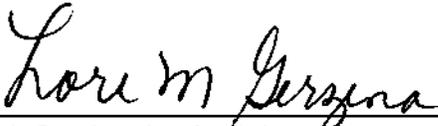
### NOTICE OF EFFECTIVE DATE

51. This Consent Order shall be fully effective, enforceable and constitute a final agency action upon notice from the Division following the closure of the public comment period referenced in paragraph 33.

**BINDING EFFECT AND AUTHORIZATION TO SIGN**

52. This Consent Order is binding upon Routt County and its elected officials, employees, agents, representatives, successors in interest, and assigns. The undersigned warrant that they are authorized to legally bind their respective principals to this Consent Order. Routt County agrees to provide a copy of this Consent Order to any contractors and other agents performing work pursuant to this Consent Order and require such agents to comply with the requirements of this Consent Order. In the event that a party does not sign this Consent Order within thirty (30) calendar days of the other party's signature, this Consent Order becomes null and void. This Consent Order may be executed in multiple counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same Consent Order.

**FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, WATER QUALITY CONTROL DIVISION:**



Date: 1/15/09

Lori M. Gerzina, Section Manager  
Compliance Assurance and Data Management Section  
WATER QUALITY CONTROL DIVISION

**FOR ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS**



Date: 12-18-08

Diane Mitsch Bush, Chair

## Attachment A

**Project Recipient:** Routt County Board of County Commissioners  
Diane Mitsch Bush, Chair  
PO Box 773598  
Steamboat Springs, CO 80477  
(970) 879-0108

**Project Manager:** Michael J. Zopf, Director  
Routt County Dept. of Environmental Health  
PO Box 770087  
Steamboat Springs, Colorado 80477  
(970) 879-0185

**Name of Project:** Water Quality Monitoring Program for  
the Upper Yampa River Basin

**CDPHE contact person:** Ginny Torrez (970) 692-3612 WQCD  
Andy Poirot (970) 879-7479 WQCD

**Geographical Area to Benefit from Project:** The Upper Yampa River Basin. Routt County encompasses virtually the entire upper Yampa River Basin within its borders. Routt County also includes the City of Steamboat Springs, and the incorporated towns of Hayden, Oak Creek and Yampa.

**Type of Project:** Environmental Assessment/ Water Quality Monitoring

**The proposed SEP provides for the implementation of a water quality monitoring program for the Upper Yampa Basin.** The water quality monitoring program will be established based upon recommendations provided through the United States Geological Survey (USGS) project described as the "Common Data Repository and Water Resource Assessment for the Upper Yampa River Basin". (See attached USGS project description)

The USGS project is currently ongoing and will result in the following products;

1. Database: Creation of a web-based water quality database
2. Report of Findings: An assessment of water quality in the Upper Yampa Basin
3. **Recommendations for future water quality monitoring stations and parameters.**

**Funding:** Routt County will provide \$25,000 to fund the Water Quality Monitoring Program that is created as a deliverable through the USGS's completion of the current project. Routt County will also contribute a significant dollar amount in the form of in-kind services to assist the USGS, local agencies, the WQCD and other interested parties in developing the proposed monitoring plan and by providing opportunities for public participation.





**USGS Proposal: Common Data Repository and Water Resource Assessment for the Upper Yampa River Basin, Western Colorado**

Prepared July 1, 2007

**PROBLEM**

The Upper Yampa River basin is undergoing increasing land and water development to support growing municipal, industrial, and recreational needs. As development proceeds, there is the potential for short- and long-term changes in the quantity and quality surface- and ground-water resources. Ongoing monitoring and assessment is needed to monitor trends and periodically redefine baseline conditions. In 2002, the Yampa Basin Watershed Report (208 report) was prepared. The 208 report, while comprehensive in nature, provides a brief and general overview of water-quality conditions. This proposed project, by comparison, will compile the historical data into a web-accessible common data repository tool and provide a detailed and comprehensive analysis of water-quality conditions and develop a monitoring network design.

Agencies, private companies, and others have to some degree individually developed and operated water-resource monitoring programs to meet local-scale or narrowly-focused information needs. While useful at the local scale, independent monitoring approaches can yield fragmented, incomplete, and largely inaccessible data sets which are poorly understood on a regional scale by agencies, the public, and the various other stakeholders charged with oversight or management of water resources.

Significant water-resource data sets, publications, and other materials have been developed over the years and are potentially available for use to assess baseline conditions and to inform development of a broader-scale, regional monitoring plan. However, these data are currently stored in disparate formats among numerous agencies, private companies (energy and others), private consulting firms, universities, and stakeholder groups. In order to effectively plan for and manage future water- and land-development activities in a manner that is informed by and effectively monitors and conserves water resources, a publicly-accessible common data repository is needed for old and new data collected by various entities. Development of such a repository would standardize and unify data from the numerous data sources, reduce costs, and greatly enhance the effectiveness, public acceptance, and understanding of water-resource monitoring and assessment activities.

Compilation and quality-assurance of existing data from the currently disparate sources and formats would be an invaluable contribution to all public and private entities tasked with planning, oversight, conservation, and management of water resources in the Upper Yampa River watershed. Such an effort would, as an ancillary benefit, serve to illustrate occurrences of monitoring and assessment data gaps as well as redundancies, thereby providing an opportunity to develop more collaborative, economical, and streamlined strategies for future monitoring. By assembling the data repository and continuing to incorporate ongoing data-collection efforts, a tool will be available that will greatly improve understanding of natural and human factors affecting water resources.

## OBJECTIVES

- Develop and maintain a web-accessible common data repository that provides agencies, researchers, consultants, and interested stakeholders equal access to the latest water-resources information.
- Evaluate existing water-resources data for uniformity and ability to meet the needs of water and land resource managers and decision makers as well as the public and other stakeholders.
- Perform and publish a baseline assessment of water-resource conditions.
- Design and implement regional monitoring strategies to effectively fill identified data gaps by reducing duplication of effort while still meeting a broad base of data collection objectives.
- Upon implementation of the monitoring program, periodically assess the new data to update what is known about factors affecting water-resource conditions.

## APPROACH

For this project the Upper Yampa River basin includes the Elkhead River and all of the Yampa River basin upstream from the Elkhead River.

A **web-accessible common data repository** will be assembled that will combine electronically available surface- and ground-water data from numerous public and private sources including local, State, and Federal agencies, consulting firms, water and sanitation districts, water conservancies, mining and other industrial companies, and others as available. Data will be screened and merged from widely variable formats into a single reporting format. Routines to streamline future data updates will be developed and shared with the various data sources to simplify updates to the common data repository on a semi-annual or annual basis as needed.

Because the common data repository will yield a vastly more complete and comprehensive base of information that lends itself to broad scale resource assessment, a **detailed assessment of baseline conditions** in the Upper Yampa River basin will be conducted that will describe natural and human factors related to surface- and ground-water systems. A **water-quality and water-quantity monitoring program** will be designed to fill identified data gaps and to provide adequate data to define water-resource conditions and trends over time as development in the watershed proceeds. Data will be evaluated to identify data gaps and redundancies that will inform future monitoring planning.

General logistics for the project: Based on a cursory review of previous studies and data-collection efforts for the study area, it is expected that most of the data-compilation and data-analysis tasks will be for surface-water rather than ground-water resources. Periodic meetings with project participants and interested parties will be held to share preliminary results and to obtain input regarding specific water-resource issues and concerns that should be addressed in the baseline assessment and in the monitoring plan that is to be developed. The initial common data repository and water-resource assessment tasks could be completed during the 2-year period January 2008 through December 2009. Upon implementation of the monitoring plan, preparation of comprehensive summaries of water-quality conditions on a biennial schedule is recommended.

**PRODUCTS**

- Database: A web-accessible Common Data Repository.
- Report of findings: Comprehensive baseline water-quality and water-quantity assessment report.
- Monitoring: Water-quality monitoring plan.

**FUNDING**

Cost estimates were prepared based on previous and similar USGS efforts and using feedback received during meetings in Steamboat Springs with interested parties, including city and county officials and staff. Final costs will be based on the actual project timing and the scope of effort. Costs to maintain and update the data repository would be estimated based on the complexity and volume of identified data but the below estimate is consistent with similar efforts for other watersheds. The below costs are total costs for the project. If available, USGS matching funds will be applied toward the total project costs. Presently USGS matching funds of 5 to 15-percent may be available.

*Cost estimates per major project task:*

|   |                   |
|---|-------------------|
| Creation of web-accessible Common Data Repository   | \$ 121,000        |
| Baseline assessment report on water quality and water quantity                                | \$ 86,000         |
| Water-quality and water-quantity monitoring plan development (based on assessment results)    | \$ 4,700          |
| Public Outreach (Obtain feedback to inform assessment and share results)                      | \$ 1,500          |
| <b>Total cost for Common Data Repository, baseline assessment report, and monitoring plan</b> | <b>\$ 213,200</b> |

Approximate costs associated with selected continuing activities in 2009 and beyond.

|   |                                |
|---|--------------------------------|
| Annual maintenance/update to the Common Data Repository (beginning 2009)  | \$ 24,000                      |
| Biennial Summary of monitoring results (first year would be 2010 depending on implementation schedule for monitoring plan)                              | \$ 22,000                      |
| <i>*Water-quality and water-quantity monitoring (costs would be based on identified data needs: number of sites, frequency, and type of monitoring)</i> | <i>*\$ 80,000 to \$140,000</i> |

*\*example monitoring costs only: based on a hypothetical monitoring program that includes 4 sites sampled up to 15-times per year for a broad suite of major ions, nutrients trace elements, organics, and bacteria. This is not a recommended monitoring program for the Upper Yampa at this time. Costs associated with new water-quality monitoring would be estimated based on the specific type, scope, and frequency of monitoring that is needed to fill identified data gaps.*