

STATE OF COLORADO

Bill Ritter, Jr., Governor
Martha E. Rudolph, 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

May 17, 2010

Edwin Wiedeman and Gary Wiedeman
EGW Farms (Wiedeman Dairy)
5880 W. 49th Street
Greeley, CO 80634

Certified Mail Number: 7009 1680 0000 2094 4688

RE: Service of Notice of Violation/Cease and Desist Order, Number: CO-100517-1

Dear Sirs:

EGW Farms (Wiedeman Dairy) is hereby served with the enclosed Notice of Violation / Cease and Desist Order (the "NOV/CDO"). This NOV/CDO is issued by the Colorado Department of Public Health and Environment's Water Quality Control Division (the "Division") pursuant to the authority given to the Division by §§25-8-602 and 25-8-605, C.R.S., of the *Colorado Water Quality Control Act*, (the "Act"). The Division bases this NOV/CDO upon findings that EGW Farms (Wiedeman Dairy) has violated the Act, and/or permit regulations promulgated pursuant to the Act, as described in the enclosed NOV/CDO.

Pursuant to §25-8-603, C.R.S., EGW Farms (Wiedeman Dairy) is required, within thirty (30) calendar days of issuance of this NOV/CDO, to submit to the Division an answer admitting or denying each paragraph of the Findings of Fact and responding to the Notice of Violation.

This action could result in the imposition of civil penalties. The Division is authorized pursuant to §25-8-608, C.R.S., to impose a penalty of \$10,000 per day for each day during which such violation occurs.

Please be advised that the Division is continuing its investigation into this matter and the Division may identify supplementary violations that warrant amendments to this NOV/CDO or the issuance of additional enforcement actions.

Should you or representatives of EGW Farms (Wiedeman Dairy) desire to discuss this matter informally with the Division, or if you have any questions regarding the NOV/CDO, please do not hesitate to contact Kelly Morgan of this office by phone at (303) 692-3634 or by electronic mail at kelly.morgan@state.co.us.

Sincerely,



Russell Zigler, Legal Assistant
Compliance Assurance Section
Enforcement Unit
WATER QUALITY CONTROL DIVISION

Enclosure(s)

cc: Weld County Dept of Public Health & Environment

ec: Aaron Urdiales, EPA Region VIII
Doug Camrud, Engineering Section, CDPHE
Dick Parachini, Watershed Program, CDPHE
Gary Beers, Permits Unit, CDPHE
Michael Beck, OPA
Phyllis Woodford, CAFO Program
Joel Hemesath, MS4 Stormwater Program



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

NOTICE OF VIOLATION / CEASE AND DESIST ORDER

NUMBER: CO-100517-1

IN THE MATTER OF: EDWIN WIEDEMAN AND GARY WIEDEMAN
d/b/a EGW FARMS (WIEDEMAN DAIRY)
WELD COUNTY, COLORADO

Pursuant to the authority vested in the Colorado Department of Public Health and Environment's (the "Department") Division of Administration by §§25-1-109 and 25-8-302, C.R.S., which authority is implemented through the Department's Water Quality Control Division (the "Division"), and pursuant to §§25-8-602 and 25-8-605, C.R.S., the Division hereby makes the following Findings of Fact and issues the following Notice of Violation / Cease and Desist Order:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Edwin Wiedeman and Gary Wiedeman (the "Wiedemans") own and/or operate EGW Farms ("Wiedeman Dairy"), located in the vicinity of 5880 W. 49th Street, near the City of Greeley, Weld County, Colorado (the "Facility").
2. At all times relevant to the violations cited herein, the Wiedemans' were conducting business as a general partnership under the trade name EGW Farms.
3. The Wiedemans are each a "person" as defined under the Water Quality Control Act, §25-8-103(13), C.R.S., and its implementing permit regulation, 5 CCR 1002-61, §61.2(73).
4. Information obtained during a May 8, 2007, Division inspection establishes that the Wiedemans own or lease 500 acres of land used for the land application of manure and process wastewater from the Facility. The land application area includes a center pivot irrigated field located just east of the Facility's production area (the "Pivot Field"). Process wastewater runoff from the Pivot Field generally flows to the Facility's east pond. During the May 8, 2007, inspection, the Facility had incomplete records of land applications of process wastewater. According to a May 20, 2009, Environmental Protection Agency ("EPA") inspection, liquid and solid manure is land applied via flood irrigation to approximately 110 acres of land owned by the Facility. However, no land application records were available at the time of the May 20, 2009, inspection.

5. On January 26, 2010, the Weld County Department of Public Health and Environment (the "WCDPHE") received a citizen complaint that process wastewater from the Facility was flooding the complainant's property located south of West 49th Street in the Dos Rios Estates Subdivision.
6. On January 26, 2010, in response to the citizen complaint, a representative from the WCDPHE (the "WCDPHE inspector") conducted an inspection of the Facility and the surrounding area.
7. On January 27, 2010, the WCDPHE received a second citizen complaint alleging that wastewater from the Facility was flooding and washing out their children's play area located at their home in the Dos Rios Estates Subdivision.
8. On January 27, 2010, representatives from the WCDPHE, the EPA, and the Department conducted a second inspection of the Facility and the surrounding area.

DISCHARGE WITHOUT A PERMIT

9. Pursuant to §25-8-501(1), C.R.S., no person shall discharge any pollutant into any state water from a point source without first having obtained a permit from the Division for such discharge, and no person shall discharge into a ditch or man-made conveyance for the purpose of evading the requirement to obtain a permit under this article.
10. Pursuant to 5 CCR 1002-61, §61.17(2)(b), any discharge from a Concentrated Animal Feeding Operation ("CAFO") requires a permit, except those that are agricultural storm water discharges as defined in 5 CCR 1002-61, §61.17(2)(c).
11. During the January 26, 2010, site inspection, the WCDPHE inspector observed that process wastewater was running off the Pivot Field and discharging into the north borrow ditch along side of 49th Street. The WCDPHE inspector followed the discharge flow path and further observed that process wastewater from the Pivot Field flowed east down the north borrow ditch of 49th Street to a culvert (located near the eastern boundary of the Pivot Field), south through the culvert under 49th Street, down an unnamed drainage and ditch northeast and north of 48 and 49 Caballo Trail in the Dos Rios Subdivision, and into a concrete structure and underground pipe. The process wastewater exited the pipe into the Dos Rios Subdivision stormwater system east of 48 Coyote Trail in the Dos Rios Subdivision, flowed southeast in the stormwater ditch for the Dos Rios Subdivision, into the concrete stormwater ditch located west of 47th Avenue, southwest in the concrete stormwater ditch to the stormwater drain, southeast from the concrete stormwater drain through a pipe under 47th Avenue, through a black corrugated pipe under the large Evans Town Ditch, and into a natural drainage that outlets into a side channel of the South Platte River.

12. During the January 27, 2010, Facility inspection, Gary Wiedeman informed the WCDPHE, EPA, and the Department inspector that Facility personnel had pumped process wastewater from the Facility's northeast pond to a pipe running north and into a long length of gated pipe running east through the Pivot Field. Gary Wiedeman informed the inspectors that the pumping operation occurred from approximately 1:00 pm to approximately 3:30 pm on January 26, 2010. Gary Wiedeman further informed the inspectors that process wastewater was released through opened gates in the pipe and flowed south through the Pivot Field. Gary Wiedeman informed the inspectors that upon knowledge that process wastewater had run off the end of the Pivot Field and flowed south into some neighbors' yards he dispatched a dairy crew to construct soil dikes to block the flow of process wastewater onto the neighbors' lots.
13. During the January 26, 2010, inspection, the WCDPHE inspector took samples of the process wastewater that was discharging from the Pivot Field and into the side channel of the South Platte River. Laboratory analysis of the WCDPHE's January 26, 2010, discharge water samples establishes that the process wastewater discharged from the Pivot Field and into the South Platte River contained, among other things, total coliform, E. coli, NH₃-N, Nitrate, and BOD in the following concentrations:

WIEDEMAN DAIRY DISCHARGE WASTEWATER SAMPLE RESULTS FROM JANUARY 26, 2010, INSPECTION					
Sample Location	Total Coliform (cfu/ 100 ml)	E. coli (cfu/ 100 ml)	NH₃-N (mg/l)	Nitrate (mg/l)	BOD (mg/l)
Culvert Inlet North Side of 49 th Street	1,986,280	920,800	440	1.09	2,280
Culvert Outlet South Side of 49 th Street	>2,419,200	770,100	440	1.06	2,400
Pooled process wastewater near 49 Coyote Trail	1,203,310	517,200	390	2.51	2,440
Drainage point entering South Platte River side channel	770,100	344,800	296	6.85	2,000

14. Total coliform, E. coli, NH₃-N, Nitrate, and BOD are "pollutants" (or indicators thereof) as defined by §25-8-103(15), C.R.S., and 5 CCR 1002-61, §61.2(76).
15. Division records establish that the Facility, which stables or confines 677-699 mature dairy cows, and as a result of the discharge described above, meets the definition of a "Medium Concentrated Animal Feeding Operation" as defined in 5 CCR 1002-61, §61.2(57).

16. The South Platte River is a "state water" as defined by §25-8-103(19), C.R.S., and 5 CCR 1002-61, §61.2(102). Further, the South Platte River is a "surface water" as defined by 5 CCR 1002-61, §61.2(104).
17. The Facility is a "point source" as defined by §25-8-103(14), C.R.S., and 5 CCR 1002-61, §61.2(75).
18. Division records establish that the Wiedemans do not have any permits authorizing the discharge of pollutants (process wastewater) from the Facility into the South Platte River.
19. The surface water discharge that occurred on and about January 26, 2010, was not an agricultural storm water discharge as defined in 5 CCR 1002-61, §61.17(2)(c).
20. The Wiedemans' discharge of pollutants (process wastewater) into the South Platte River constitutes a "discharge of pollutants" as defined by §25-8-103(3), C.R.S.
21. The Wiedemans' discharge of pollutants (process wastewater) into the South Platte River constitutes an unauthorized discharge of pollutants from a point source into state/surface water in violation of §25-8-501(1), C.R.S., and 5 CCR 1002-61, §61.17(2)(b).

NOTICE OF VIOLATION

22. Based on the foregoing Findings of Fact and Conclusions of Law, you are hereby notified that the Division has determined that the Wiedemans have violated the following sections of the Colorado Water Quality Control Act and its implementing permit regulations:

Section 25-8-501(1), C.R.S., which states, "No person shall discharge any pollutant into any state water from a point source without first having obtained a permit from the division for such discharge, and no person shall discharge into a ditch or man-made conveyance for the purpose of evading the requirement to obtain a permit under this article"

5 CCR 1002-61, §61.17(2)(b), which states, "Any discharge from a CAFO requires a permit except those that are agricultural storm water discharges as defined in section 61.17(2)(c)."

REQUIRED CORRECTIVE ACTION

Based upon the foregoing factual and legal determinations and pursuant to §25-8-602 and §25-8-605, C.R.S., the Wiedemans are hereby ordered to:

23. Cease and desist from all violations of the Colorado Water Quality Control Act, §§25-8-101 through 25-8-703, C.R.S., and its implementing regulations promulgated thereto.

Furthermore, the Division hereby orders the Wiedemans to comply with the following specific terms and conditions of this Order:

24. Within seven (7) calendar days of receipt of this Order, the Wiedemans shall develop and implement measures that result in eliminating discharges of pollutants to surface waters of the state from the Facility's land application sites. Such measures shall include: 1) preventing applied process wastewater from running off land applications sites; and 2) applying process wastewater and manure at an agronomic rate and maintaining complete records verifying that such applications were made at an agronomic rate.
25. Within fourteen (14) calendar days of receipt of this Order, the Wiedemans shall submit to the Division in writing the measures that have been implemented in accordance with paragraph 24.
26. The Wiedemans shall choose and fully comply with at least one of the three following options outlined in paragraphs 27, 28, and 29. The Wiedemans shall adhere to all applicable time schedules and complete all aspects of whichever option is chosen.
27. If the Wiedemans choose to apply as a Medium CAFO for permit coverage under the State's "general" permit for "Concentrated Animal Feeding Operations" (CDPS General Permit No. COA-931000), the Wiedemans shall complete and submit an application to be certified under the general permit in accordance with Parts I.D.2. and I.E. of the general permit, and also in accordance with the following schedule:
 - a) Within sixty (60) calendar days of receipt of this Order, the Wiedemans shall provide the Division with the following completed application sections and attachments. (See attached application form).
 - i. Sections I through IV, VI, and IX of the application.
 - ii. Attachment A of the application. (Location Map).
 - iii. Attachment B of the application. (Site Plan). If any of the required features (e.g., location of retention structures) are not currently in place, indicate where they will be placed such that they are in compliance with the conditions of the general permit.
 - b) Within 180 calendar days of receipt of this Order, the Wiedemans shall provide the Division with the following completed application section and attachment(s). (See attached application form).
 - i. Section V of the application. (Certification of Design Calculations, Drawings, and Specifications).
 - ii. Certification that any features in the Site Plan that were not in place at the time of the Site Plan submittal are completed, and are placed in the location(s) indicated in the Site Plan. Where final placement of any feature is different than its planned placement, provide a revised Site Plan that shows the feature's final location.
 - iii. Section VII (Nutrient Management Plan).

iv. Section XI of the application (Signature of Applicant).

28. If the Wiedemans choose to apply as a Medium CAFO for a Colorado Discharge Permit System “individual” permit, within 180 calendar days of receipt of this Order, the Wiedemans shall prepare and submit a complete CDPS permit application in order to obtain such permit coverage for the Facility. *(If the Wiedemans choose this option, the Wiedemans should contact the Division to obtain application materials for an individual permit).*
29. If the Wiedemans choose to operate the Wiedeman Dairy (into the future) as a Medium Animal Feeding Operation as defined in 5 CCR 1002-81, §81.3 (18) *(Animal Feeding Operations Control Regulations)*, within sixty (60) calendar days of receipt of this Order, the Wiedemans shall submit to the Division information specifying and describing the Best Management Practices (“BMPs”) the Facility has implemented and will maintain to comply with the six (6) elements of 5 CCR 1002-81, §81.9. The Wiedemans shall include representative photographs documenting the BMPs implemented at the Facility and the current condition of the BMPs.
30. Within thirty (30) calendar days of receipt of this Order, the Wiedemans shall retain the services of a qualified entity (experienced in habitat restoration) and complete an evaluation of the discharge impacted drainage to the South Platte River for consideration of remedial actions. Within thirty (30) calendar days of completing the evaluation, the Wiedemans shall submit to the Division: a) a report outlining the findings from the evaluation; b) a plan for remediating process wastewater impacted areas, if applicable and necessary; and c) a time schedule for completing all remedial activities of the process wastewater impacted areas. The submitted plan and time schedule shall become a condition of this Order and the Wiedemans shall comply with the plan and time schedule as submitted unless notified by the Division, in writing, that an alternate plan or schedule is appropriate. If the Division imposes an alternate plan or schedule, it shall also become a condition of this Order. Within fifteen (15) calendar days of completing the remediation activities (if applicable), the Wiedemans shall submit a final report to the Division outlining the Wiedeman’s remedial actions and evidence that the actions resulted in fulfillment of the plan or alternate plan, as applicable.
31. The Wiedemans shall submit monthly progress reports to the Division outlining efforts taken to achieve compliance with this Order. The first report shall be submitted to the Division on or before June 1, 2010. At a minimum, each report shall outline activities undertaken in the current reporting period and planned activities for the next month to remain in compliance with this Order.
32. The monthly progress reports described in paragraph 31 shall be required until the Facility is covered under a Colorado Discharge Permit System permit, or the Division approves the BMPs submitted in accordance with paragraph 29.

33. If the Wiedemans become aware of any situation or a circumstance that impairs their ability to comply with any condition or time schedules set forth by this Order, the Wiedemans shall provide written notice to the Division within five (5) calendar days of becoming aware of such circumstances. The written notice shall describe what, if any, impacts will occur on their ability to comply with the Colorado Water Quality Control Act or its implementing regulations and any impacts on the remaining conditions and/or time schedules specified by this Order, and what steps are being taken to mitigate the impacts.
34. All documents submitted under this Order shall use the same titles as stated in this Order, and shall reference both the number of this Order and the number of the paragraph pursuant to which the document is required. Within thirty (30) calendar days of receiving Division comments on submitted documents, the Wiedemans shall revise the submitted document(s) to properly address the Division's comments and resubmit the document(s) for Division review.

NOTICES AND SUBMITTALS

For all documents, plans, records, reports and replies required to be submitted by this Notice of Violation/Cease and Desist Order, the Wiedemans shall submit an original and an electronic copy to the Division at the following address:

Colorado Department of Public Health and Environment
Water Quality Control Division / WQCD-B2-CAS
Compliance Assurance Section
Attention: Kelly Morgan
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530
Email: kelly.morgan@state.co.us

For any person submitting documents, plans, records and reports pursuant to this Notice of Violation / Cease and Desist Order, that person shall make the following certification with each submittal:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

OBLIGATION TO ANSWER AND REQUEST FOR HEARING

Pursuant to §25-8-603, C.R.S., and 5 CCR 1002, §21.11, you are required to submit to the Division an answer affirming or denying each paragraph of the Findings of Fact and responding to the Notice of Violation. The answer shall be filed no later than thirty (30) calendar days after receipt of this action.

Section 25-8-603, C.R.S., and 5 CCR 1002, §21.11, also provide that the recipient of a Notice of Violation may request the Division to conduct a public hearing to determine the validity of the Notice, including the Findings of Fact. Such request shall be filed in writing with the Division and include the information specified in 5 CCR 1002, §21.4(B)(2). Absent a request for hearing, the validity of the factual allegations and the Notice of Violation shall be deemed established in any subsequent Department proceeding. The request for hearing, if any, shall be filed no later than thirty (30) calendar days after issuance of this action. The filing of an answer does not constitute a request for hearing.

FALSIFICATION AND TAMPERING

Be advised, in accord with §25-8-610, C.R.S., that any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Colorado Water Quality Control Act or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this article is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than ten thousand dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

POTENTIAL CIVIL AND CRIMINAL PENALTIES

You are also advised that any person who violates any provision of the Colorado Water Quality Control Act (the "Act"), §§25-8-101 to 703, C.R.S., or of any permit issued under the Act, or any control regulation promulgated pursuant to the Act, or any final cease and desist order or clean-up order issued by the Division shall be subject to a civil penalty of not more than ten thousand dollars per day for each day during which such violation occurs. Further, any person who recklessly, knowingly, intentionally, or with criminal negligence discharges any pollutant into any state waters commits criminal pollution if such discharge is made without a permit, if a permit is required by the Act for such discharge, or if such discharge is made in violation of any permit issued under the Act or in violation of any Cease and Desist Order or Clean-up Order issued by the Division. By virtue of issuing this Notice of Violation / Cease and Desist Order, the State has not waived its right to bring an action for penalties under §§25-8-608 and 609, C.R.S, and may bring such action in the future.

RELEASE OR DISCHARGE NOTIFICATION

Pursuant to §25-8-601, C.R.S., you are further advised that any person engaged in any operation or activity which results in a spill or discharge of oil or other substance which may cause pollution of the waters of the state, shall notify the Division of the discharge. If said person fails to so notify, said person is guilty of a misdemeanor, and may be fined or imprisoned or both.

EFFECT OF ORDER

Nothing herein contained, particularly those portions requiring certain acts to be performed within a certain time, shall be construed as a permit or license, either to violate any provisions of the public health laws and regulations promulgated thereunder, or to make any discharge into state waters. Nothing herein contained shall be construed to preclude other individuals, cities, towns, counties, or duly constituted political subdivisions of the state from the exercise of their respective rights to suppress nuisances or to preclude any other lawful actions by such entities or the State.

For further clarification of your rights and obligations under this Notice of Violation / Cease and Desist Order you are advised to consult the Colorado Water Quality Control Act, §§25-8-101 to 703, C.R.S., and regulations promulgated thereunder, 5 CCR 1002.

Issued at Denver, Colorado, this 17 day of May, 2010.

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT



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

**Water Quality Control Division
Colorado Discharge Permit System
APPLICATION TO BE CERTIFIED UNDER A
GENERAL PERMIT FOR CONCENTRATED
ANIMAL FEEDING OPERATIONS
(PERMIT No. COA-931000)**

This application is for use by an operator of any new, or existing and currently operating Concentrated Animal Feeding Operation (CAFO), except those that: 1) are a "Housed Commercial Swine Feeding Operation", as that term is defined at 25-8-501(2)(b), Colorado Revised Statutes; or 2) the discharge is to waters of the state for which there is an applicable control regulation that limits the quantity or concentration of total phosphorus or total nitrogen in discharges.

WATER RIGHTS

The State Engineer's Office (SEO) has indicated that capture and retention of precipitation and storm water has the potential for material injury to a water right. As a result, the SEO needs to determine that material injury to a water right will not occur from such activities. Should there be any questions on the issue of water rights, the SEO can be contacted as follows:

Colorado Division of Water Resources
1313 Sherman Street, Rm. 818
Denver, CO 80203
(303) 866-3585

It is important to understand that any Colorado Discharge Permit System (CDPS) permit issued by the Division **does not constitute a water right**. Issuance of a CDPS permit does not negate the need to also have the necessary water rights in place. It also is important to understand that even if the operation has an existing CDPS permit, this is no guarantee that the proper water rights are in place.

STORMWATER GENERAL PERMIT

Please note that a certification under a Stormwater General permit is required from the Division if construction of your facility, or parts thereof, disturbs one or more acres in total land area. Information about such a certification can be obtained by calling (303) 692-3517.

REGULATION NO. 81 - GROUNDWATER PROTECTION REQUIREMENTS

As a reminder, CAFOs must provide for groundwater protection per Colorado Water Quality Control Commission Regulation No. 81 (Reg. 81). These requirements are **not** included in a CAFO permit and must be complied with by CAFO operators separately from their permit. Reg. 81 requires operators to have available documentation prepared by a Professional Engineer (P.E.) registered in the State of Colorado certifying that the provisions of section 81.8(2) have been met and stating what constitutes each constructed liner. Refer to Reg. 81 for details regarding this requirement and for additional requirements, such as submitting to the Division a Standard Operating Procedure for manure removal from impoundments.

GENERAL INSTRUCTIONS

Application Due Dates: At least **one hundred and eighty (180) days** prior to the date the operator wishes to be certified to discharge under the general permit, or the expiration date of an existing permit if the operator seeks to continue with permit coverage, the operator of the AFO or CAFO shall submit an application as provided by the Division.

Permit Fee: Do not send any payment with this application. You will be billed following your certification under the general permit.

Application Completeness: All items of the application must be completed accurately and in their entirety or the application will be deemed incomplete, and processing of the permit will not begin until all information is received. If you have questions on completing this application, please contact the Division at either (303) 692-3523 or 3614. **One original** of the completed application shall be submitted. Completed applications must be submitted by either mail or hand-delivery to:

Colorado Department of Public Health and Environment
Environmental Agriculture Program
OEIS-B2
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

APPLICATION TO BE CERTIFIED UNDER THE GENERAL PERMIT FOR ANIMAL FEEDING OPERATIONS COLORADO DISCHARGE PERMIT No. COA-931000	
	<u>DATE RECEIVED STAMP</u>

GENERAL INSTRUCTIONS:

Type or print legibly.

- If item is non-applicable to facility, please so indicate in appropriate section.
- Label each attachment/drawing with the name of the attachment/drawing and the name of the CAFO facility.

I. Application Type:

New Expanding Renewal (only enter information different from original submitted application)
 Amendment Please describe:

II. Permit Applicant Information:

A) Facility Owner (please enter the name of a person(s), company, LLC, etc., as applicable):

Mailing Address, City, State, Zip:

Phone Numbers: (Office) (Cell)

E-mail: Fax:

B) Facility Operator (please enter the name of a person(s), company, LLC, etc., as applicable):

Please note: The permit certification typically will be issued to the facility operator.

Mailing Address, City, State, Zip:

Phone Numbers: (Office) (Cell)

E-mail: Fax:

C) Legal Contact Person:

Email:

Is this person also the registered agent for the above cited company, LLC, etc? Yes No N/A
 If no, who is the registered agent?

Phone Numbers: (Office) (Cell) (Fax)

D) On-site Contact Person:

Phone Numbers: (Office) (Cell) (Fax)

III. Location and Facility Information:

A) Facility Name

B) Facility Location and County (e.g., 13270 Weld County Road 35, Weld County):

Latitude/Longitude coordinates at entrance of production area(s). *North American Datum 1983(NAD83) is preferred for collecting coordinates electronically with a GPS unit. If a different datum is used, please specify below. When coordinates are acquired from a map, provide the corresponding datum information.*

C) Legal Description: (NE) (SE) (NW) (SW) Quarter, of the (NE) (SE) (NW) (SW) Quarter, of

Section _____, Township (N) (S), Range _____ (E) (W)

Attachment A: Location Map

A map (USGS topographic map with 1:24,000 scale or 1:50,000 scale, or another topographic map of similar accuracy) that illustrates the following:

- 1) location and outline of production areas and land application sites
- 2) location and depths of functional wells, including monitoring wells, within one-half mile radius of the center of the production areas
- 3) name and location of public roads located within 1.0 mile of the production areas
- 4) the name and location of the surface water(s) that will receive the discharge(s) from each retention structure. Include all waterways (e.g., roadside borrow ditches, irrigation canals, and natural drainages) that connect the first receiving waterway to a navigable water. If the flow path of process wastewater from a retention structure does not connect to a navigable water, indicate the terminus location. An example of a flow path description is: *From No. 3 spillway, eastward via un-named ditch for one mile to Timpas Creek, then north to the Arkansas River.*

Attachment B: Site Plan

A site plan of the production area(s) that includes the locations of and, where appropriate, names of:

- 1) drainage patterns from the production areas
- 2) buildings (covered buildings or sheds, milking parlors, office, etc.) (label office, milking parlors, confined production buildings, egg washing buildings, and other significant structures)
- 3) manure storage areas (label)
- 4) composting areas (label)
- 5) impoundments and wastewater tanks (label)
- 6) piping to impoundments and wastewater tanks
- 7) transfer piping between impoundments, wastewater tanks, manure separation systems, pens, and lift stations
- 8) berms (including run-on diversion berms) (label)
- 9) process wastewater conveyances (label)

(See next page for items 10-14)

- 10) indicate the location of the 100-year floodplain that exists, in whole or in part, within the production area
- 11) location after each impoundment or wastewater storage tank where a planned discharge to waters of the US will occur and where effluent samples will be collected
- 12) pens (label)
- 13) lift stations (label)
- 14) tanks (label)

IV. Design and Discharge Information:

- A) Specific information about type and maximum number of animals that will be confined in the production area for 45 days or more in a 12-month period (include all animal types):

Cattle:	Sheep/lambs:	Horses:
Dairy Mature (incl. dry cows):		Dairy Heifers (weaned):
Dairy bull/steer calves (weaned):		Veal Calves:
Swine (over 55 lbs.):		Swine (under 55 lbs.):
Laying hens or broilers (with liquid manure system):		
Laying hens (other than liquid manure system):		
Chickens other than laying hens (other than liquid manure system):		
Other (including ducks):		

- B) Total capacity of process wastewater storage (not including solids separating basins): *(acre-feet)*

- C) Type of wastewater management system (not including solids separating basins) *(indicate the number of each):*

Single-stage retention pond:	Two-stage retention ponds:
Three-stage retention ponds:	Above ground holding tank:
Below ground holding tank:	Under floor pit:
Evaporation pond (designed for 10-year period of maximum rainfall):	
Other <i>(please describe)</i> :	

Number of solids separating basins:

- D) Type of manure containment:

Roofed storage shed:	Impervious soil pad:	Concrete pad:
Stockpile:	Composting:	Pen storage:
		Other:

V. Certification of Design Calculations, Drawings, and Specifications

- A) **Existing facilities.** Using Appendix A attached hereto, submit a certification by a professional engineer (P.E.) registered in Colorado as to design calculations, drawings, specifications, tables, and other relevant documents as required under subsection 61.17(5)(d)(ix) of Regulation No. 61 ("Colorado Discharge Permit System Regulations, 5 CCR 1002-61) ("regulation"). In addition, please include a summary table providing the following information: 1) impoundment name; 2) impoundment volume at two feet of freeboard or other approved freeboard level; 3) impoundment volume at spillway or impoundment overflow level; 4) volume of runoff from area tributary to impoundment; and 5) the storm event (25-year, 24-hour or Chronic) for which each impoundment was designed (that is, the storm event from which an impoundment will receive the greater volume of runoff).
- B) **New facilities.** Submit the certification and summary table specified in V. A) above at least 60 days prior to the time the operator desires permit coverage. The balance of the permit application must be submitted at least 180 days prior to the time the operator desires permit coverage (for example, prior to the time the operator desires to place animals on the operation).

VI. Wastewater and Manure Management Information:

- A) Total number and acres of land application sites owned by or under the control of applicant:
- B) Gallons of process wastewater produced per year (*estimate*):
- C) Disposition of wastewater (*indicate % of total production*):
Released to third parties
- D) Tons of solid manure produced per year (*estimate*):
- E) Disposition of solid manure: (*indicate % of total production*)
Released to third parties

VII. Nutrient Management Plan

Provide a certification that a Nutrient Management Plan (NMP) that meets the requirements of subsection 61.17(8)(b) of the regulation, has been developed and will be implemented upon the date of permit coverage.

Select:

- New Source CAFO* Existing Source CAFO

* A new source CAFO is a facility that did not exist on the site prior to April 1, 2003, or a facility that totally replaced its processor or production equipment since April 1, 2003 (e.g., a dairy replacing a feedlot).

VIII. Attachment D: Precipitation Recording Information

Submit a Standard Operating Procedure for measuring and recording precipitation to a detection limit of 0.1 inch.

IX. Alternative Performance Standards:

If requesting alternative performance standards, provide the information required in subsection 61.17(7) of the regulation, and any additional information requested by the Division pursuant to subsection 61.4(1)(k) of the regulation.

X. Additional Certification Requirements:

By signing and submitting this application for coverage under the General Permit for Concentrated Animal Feeding Operations (Permit No. COA-931000), the applicant certifies the following: 1) that the CAFO facility is not a "Housed Commercial Swine Feeding Operation", as that term is defined at §25-8-501(2)(b), Colorado Revised Statutes; or 2) the discharge is not to waters of the state for which there is an applicable control regulation that limits the quantity or concentration of total phosphorus or total nitrogen in discharges; and 3) that design calculations, drawings, specifications, and other relevant documents required in subsection 61.17(5)(d)(ix) of the regulation are available at the location identified in Section III.A of this application or another site agreed to by the Division and will be provided to the Division upon request.

XI. Signature of Applicant:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the facility, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Signature of Applicant

Date Signed

Name (printed)

Title*

* If the signer is an officer or owner of a company that operates or owns the facility, please so note.

Appendix A

I, _____, being a duly registered professional engineer (P.E.) in the State of Colorado do hereby certify the following:

- That the volume of process wastewater runoff generated for each impoundment was calculated as required in 61.17(5)(d)(ix)(A).
- That drawings of each impoundment as required under 61.17(5)(d)(ix)(B) have been prepared.
- That a properly designed and constructed spillway is in place at each discharging impoundment, unless the Division has determined that a spillway is not required pursuant to 61.17(8)(b)(ii).
- That accurate, permanent depth markers are in place as required under 61.17(5)(d)(ix)(D).
- That two feet of freeboard, or other freeboard level approved by the Division, exists in each open surface impoundment and terminal tank, as required under 61.17(5)(d)(ix)(E).
- That structures used to divert stormwater from running onto production areas, manure stockpiles, and composting areas are sized as required under 61.17(5)(d)(ix)(F).
- That structures used to divert process wastewater from the production areas are sized as required under 61.17(5)(d)(ix)(G).
- That all impoundments, tanks, manure stockpiles, or composting areas located within a 100-year floodplain are protected from inundation and damage from 100-year or smaller flood events.

Dated this _____ day of _____, 200_____.

Signed and Certified by:

_____, P.E.

**Please Note - Work prepared under the control and direction of the signatory P.E. must contain the P.E.'s seal. Work done by others that the P.E. did not control or direct must have an accompanying letter indicating that the P.E. has reviewed such work and that it meets the regulatory requirement.*