

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

July 14, 2010

Ms. Janet Bronitsky, Executive Administrator
Congregation Emanuel
51 Grape Street
Denver, Colorado 80220

RE: Compliance Order on Consent, Number: MC-100713-1

Dear Ms. Bronitsky:

Enclosed for Congregation Emanuel's 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 29). 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 Jackie Whelan at (303) 692-3612 or by electronic mail at jackie.whelan@state.co.us.

Sincerely,

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

Enclosure(s)

cc: Clear Creek County Public and Environmental Health
Clear Creek County Environmental Health Department

ec: Aaron Urdiales, EPA Region VIII
Doug Camrud, Engineering Section, CDPHE

Dick Parachini, Watershed Program, CDPHE
Gary Beers, Permits Unit, CDPHE
Michael Beck, OPA
Jackie Whelan, Case Person



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

COMPLIANCE ORDER ON CONSENT

NUMBER: MC-100713-1

IN THE MATTER OF: CONGREGATION EMANUEL
SHWAYDER CAMP WASTEWATER TREATMENT FACILITY
CDPS PERMIT NO. CO-0047473
CLEAR CREEK COUNTY, COLORADO

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 §§25-8-602 and 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 Congregation Emanuel. The Division and Congregation Emanuel 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-060316-1) issued to Congregation Emanuel on March 16, 2006 (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 Congregation Emanuel, the Facility and Congregation Emanuel's compliance with the Act and its implementing regulations and Congregation Emanuel's Colorado Discharge Permit System permits.
3. At all times relevant to the violations cited herein, Congregation Emanuel was a Colorado corporation and registered to conduct business in the State of Colorado.

4. Congregation Emanuel is 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).
5. Congregation Emanuel owns and operates a wastewater treatment facility, known as the Shwayder Camp Wastewater Treatment Facility, located in the Southwest 1/4 of the Northwest 1/4 of Section 31, Township 4 South, Range 73 East, 6th Principal Meridian, Clear Creek County, Colorado (the "Facility").
6. Between February 1, 2000 and June 6, 2005, the Facility was the subject of the Colorado Discharge Permit System ("CDPS"), General Permit No. COG584000 as established by CDPS Permit Certification effective February 1, 2000. Beginning on June 7, 2005 through June 30, 2007, the Facility was authorized, via CDPS Permit Certification No. COG588009, to discharge under CDPS General Permit COG588000 which replaced General Permit No. COG584000. On July 1, 2007, the discharge authorization under permit COG584000 was replaced by CDPS Permit No. CO-0047473 which will expire June 30, 2012.
7. The above CDPS permits/certifications all authorized a discharge from the Facility to Chicago Creek through Outfall 001A.
8. Outfall 001A is a "point source" as defined by §25-8-103(14), C.R.S.
9. Chicago Creek is "state waters" as defined by §25-8-103(19), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2 (102).
10. Section 61.8, 5 CCR 1002-61, states in part that "A permittee must comply with all the terms and conditions of the permit."

Failure to Comply with Effluent Limitations

11. Pursuant to Part I.B.6.a. of CDPS General Permit No. COG584000; Part I.B.7.b. of CDPS General Permit No. COG588000 and Part I.A.5 and Part I.A.6 of CDPS Permit CO-0047473, Congregation Emanuel's discharge at outfall 001A, should not have exceeded corresponding effluent limitations for 5-day Biochemical Oxygen Demand ("BOD₅"), BOD₅ Removal, Total Suspended Solids ("TSS"), TSS Removal, Fecal Coliform, Total Inorganic Nitrogen ("TIN") and Flow as specified below:

EFFLUENT PARAMETER	DISCHARGE LIMITATION	
	30-Day Average	7-Day Average
BOD ₅ (mg/l)	30	45
BOD ₅ Removal (%)	85 (min.)	-
TSS (mg/l)	30	45
TSS Removal (%)	85 (min.)	-
Flow (MGD)	0.009	-
Fecal Coliform (no./100ml)	6,000	12,000
TIN (mg/l)	52.5	-

12. Pursuant to the requirements of the various permits, Congregation Emanuel collects specific samples at a discharge location described therein as Outfall 001A, following chlorination and prior to entering Chicago Creek.
13. The analytical results of the samples collected at Outfall 001A are summarized by Congregation Emanuel and reported to the Division via monthly Discharge Monitoring Reports (“DMRs”).
14. The DMRs submitted by Congregation Emanuel include a certification by Congregation Emanuel that the information provided therein is true, accurate, and complete, to the knowledge and belief of Congregation Emanuel.
15. The DMRs for the months of June 2003 through July 2008 include, in addition to other data not subject of this action, the following effluent measurement and/or calculated data for BOD₅, BOD₅ Removal, TSS, TSS Removal, Flow, Fecal Coliform and TIN in violation of the effluent limits established in the various Permits:

REPORTED EFFLUENT SELF-MONITORING DATA (OUTFALL 001A)		
DMR Reporting Period and Parameter	30-Day Average	7-Day Average
BOD₅ (in mg/l)	Limit = 30 mg/l	Limit = 45mg/l
June 1-June 30, 2003	93	93
July 1-July 31, 2003	56	63
September 1-September 30, 2003	59	59

REPORTED EFFLUENT SELF-MONITORING DATA (OUTFALL 001A)		
DMR Reporting Period and Parameter	30-Day Average	7-Day Average
BOD₅ (in mg/l) (continued)	Limit = 30 mg/l	Limit = 45mg/l
July 1-July 31, 2004	33	68
August 1-August 31, 2004	59	59
May 1-May 31, 2005	52	52
July 1-July 31, 2005	47	47
August 1-August 31, 2005	48	48
June 1-June 30, 2006	-	76
July 1-July 31, 2008	66	66
BOD₅ Removal (in %)	Limit = 85 % (min.)	N/A
September 1-September 30, 2003	77	-
August 1-August 31, 2004	82	-
May 1-May 31, 2005	75	-
July 1-July 31, 2008	77.85	-
TSS (mg/l)	Limit = 30 mg/l	Limit = 45 mg/l
June 1-June 30, 2003	76	76
September 1-September 30, 2003	46	46
July 1-July 31, 2008	57	57
TSS Removal (%)	Limit = 85 % (min.)	N/A
September 1-September 30, 2003	78	-
July 1-July 31, 2004	84	-
August 1-August 31, 2004	82	-
July 1-July 31, 2005	50	-
August 1-August 31, 2005	71	-
June 1-June 30, 2006	71	-
July 1-July 31, 2008	67.61	-
Fecal Coliform (no./100ml)	Limit = 6,000/100ml	Limit = 12,000/100ml
July 1-July 31, 2005	64,440	77,775

REPORTED EFFLUENT SELF-MONITORING DATA (OUTFALL 001A)		
DMR Reporting Period and Parameter	30-Day Average	7-Day Average
Flow (MGD)	Limit = 009 MGD	Limit = N/A
September 1-September 30, 2003	0.038	-
TIN (mg/l)	Limit = 52.5 mg/l	Limit = N/A
July 1-July 31, 2008	53.76	-

16. BOD₅, BOD₅ Removal, TSS, TSS Removal, Fecal Coliform, TIN and Flow are “pollutants” as defined by §25-8-103(15), C.R.S., or indicators thereof.
17. Congregation Emanuel’s failure to comply with the effluent limitations identified in paragraph 11 above constitutes violations of Part I.B.6.a. of CDPS General Permit No. COG584000; Part I.B.7.b. of CDPS General Permit No. COG588000; and, Part I.A.5 and Part I.A.6 of CDPS Permit CO-0047473.

ORDER AND AGREEMENT

18. 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 / Cease and Desist Order (Number: MO-060316-1), the Division orders Congregation Emanuel to comply with all provisions of this Consent Order, including all requirements set forth below.
19. Congregation Emanuel agrees to the terms and conditions of this Consent Order. Congregation Emanuel 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. Congregation Emanuel also agrees not to challenge directly or collaterally, in any judicial or administrative proceeding brought by the Division or by Congregation Emanuel 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.
20. Notwithstanding the above, Congregation Emanuel does not admit to any of the factual or legal determinations made by the Division herein, and any action undertaken by Congregation Emanuel

pursuant to this Consent Order shall not constitute evidence of fault by Congregation Emanuel with respect to the conditions of the Facility.

CIVIL PENALTY AND SUPPLEMENTAL ENVIRONMENTAL PROJECTS

21. In addition to all other funds necessary to comply with the requirements of this Consent Order, Congregation Emanuel shall pay Twenty Five Thousand Dollars (\$25,000.00) in the form of civil penalties and expenditures on a Supplemental Environmental Project (“SEP”) in order to achieve settlement of this matter.
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, Congregation Emanuel shall pay Five Thousand Dollars (\$5,000.00) in civil penalties. The Division intends to petition the Executive Director, or her designee, to impose the Five Thousand Dollars (\$5,000.00) civil penalty for the above violation(s) and Congregation Emanuel agrees to make the payment within thirty (30) calendar days of the issuance of a Penalty Order by the Executive Director or her designee. 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:

Colorado Department of Public Health and Environment
WQCD-CAS
Attention: Jacalyn Whelan
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530
23. Congregation Emanuel shall also perform the SEP identified below. Congregation Emanuel’s total expenditure for the SEP shall not be less than Twenty Thousand Dollars (\$20,000.00).
24. Congregation Emanuel shall undertake the following SEP, which the Parties agree is intended to secure significant environmental or public health protection and improvements:
 - a. Congregation Emanuel shall donate Twenty Thousand Dollars (\$20,000.00) to the University of Colorado. The funds will be used for a climate adaptation study pertaining to economic and natural resource vulnerabilities from climate change in Colorado as further described in Exhibit A. Congregation Emanuel shall make the payment of Twenty Thousand Dollars (\$20,000.00) to the attention of Bradley Udall, University of Colorado at Boulder, CU-NOAA Western Water Assessment (WWA), 216 UCB, Boulder, Colorado 80309. Congregation Emanuel shall provide the Division with a copy of the cover letter and check within thirty (30) calendar days of the effective date of this Consent Order.
25. Congregation Emanuel 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. Congregation Emanuel 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. Congregation Emanuel further certifies that it has not received, and will not receive, credit in any other enforcement action for the SEP. In the event that Congregation Emanuel has, or will receive credit under any other legal obligation for the SEP, Congregation Emanuel shall pay Twenty Thousand Dollars (\$20,000.00), 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 as set forth in paragraph 22 above.
27. Congregation Emanuel's will be deemed to have met its obligations regarding performance of the SEP upon presentation of a cover letter and copy of the check identifying the monies for the above-described project provided that it does so within thirty (30) calendar days of the effective date of this Consent Order. In the event that Congregation Emanuel fails to comply with any of the terms or provisions of this Consent Order relating to the performance of the SEP, Congregation Emanuel shall be liable for penalties as follows:
 - a. Payment of a penalty in the amount of Twenty Thousand Dollars (\$20,000.00). The Division, in its sole discretion, may elect to reduce this penalty for environmental benefits created by the partial performance of the SEP.
 - b. Congregation Emanuel 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 22 above.

SCOPE AND EFFECT OF CONSENT ORDER

28. The Parties agree and acknowledge that this Consent Order constitutes a full and final settlement of the civil penalties associated with the violations cited herein and in Notice of Violation and Cease and Desist Order (Number MO-060316-1) issued to Congregation Emanuel on March 16, 2006.
29. 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 Congregation Emanuel 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.
30. 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 Congregation Emanuel, 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 (\$10,000.00) per day for each day during which such violation occurs.

31. Notwithstanding paragraph 20 above, the violations described in this Consent Order will constitute part of Congregation Emanuel'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 Congregation Emanuel. Congregation Emanuel agrees not to challenge the use of the cited violations for any such purpose.
32. This Consent Order does not relieve Congregation Emanuel 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

33. 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-060316-1) issued to Congregation Emanuel on March 16, 2006. 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.
34. This Consent Order does not grant any release of liability for any violations not specifically cited herein.
35. 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.
36. Upon the effective date of this Consent Order, Congregation Emanuel 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.
37. Congregation Emanuel 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 Congregation Emanuel, or those acting for or on behalf of Congregation Emanuel, including its officers, employees, agents, successors, representatives, contractors, consultants or attorneys in carrying out activities pursuant to this Consent Order. Congregation Emanuel shall not hold out the State of Colorado or its employees, agents or representatives as a party to any contract entered into by Congregation Emanuel 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.

38. 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, Congregation Emanuel shall perform the requirements of this Consent Order that were delayed by the force majeure with all due diligence.

NOTICES

39. 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
WQCD-CAS
Attention: Jacalyn Whelan
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530
Telephone: 303.692.3612
E-mail: jackie.whelan@state.co.us

For Congregation Emanuel:

Janet Bronitsky, Executive Administrator
Congregation Emanuel
51 Grape Street
Denver, CO 80220

MODIFICATIONS

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

NOTICE OF EFFECTIVE DATE

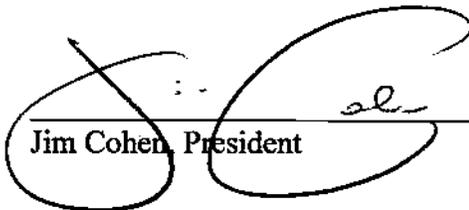
41. This Consent Order shall be fully effective, enforceable and constitute a final agency action upon notice from the Division following closure of the public comment period referenced in paragraph 29.

BINDING EFFECT AND AUTHORIZATION TO SIGN

42. This Consent Order is binding upon Congregation Emanuel 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. Congregation Emanuel 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 CONGREGATION EMANUEL:

 _____ Date: 6/23/10
Jim Cohen, President

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT:

 _____ Date: July 13, 2010
Lori M. Gerzina, Manager
Compliance Assurance Section
WATER QUALITY CONTROL DIVISION

SUPPLEMENTAL ENVIRONMENTAL PROJECTS (SEP) PROPOSAL/AGREEMENT

The regulated entity, identified below, submits the following SEP application to the Colorado Department of Public Health and Environment (the department) for SEP consideration.

Enforcement Action Information	Congregation Emanuel Case No.: MO-060316-1
Regulated Entity Contact Information	Janet Bronitsky Congregation Emmanuel 51 Grape Street Denver, CO 80220 (303) 388-4013 bronitsky@congregationmanuel.com
3rd Party SEP Recipient Contact	Bradley Udall 303-497-4573 Bradley.Udall@colorado.edu University of Colorado at Boulder CU-NOAA Western Water Assessment (WWA) 216 UCB Boulder, Colorado 80309
CDPHE Contact Person	Rachel Wilson-Roussel 303-692-2976
Geographical Area to Benefit Most Directly From Project	Agricultural areas, forests, and watersheds in Colorado and the communities that depend on them.
Project Title	Climate Preparedness in Colorado – Task 3, Structured Interviews
Project Type	Third Party SEP Donation
SEP Category	Environmental Assessment
Project Summary	<p>The Climate Preparedness in Colorado Project is a climate adaptation study pertaining to economic and natural resource vulnerabilities from climate change. The study will be primarily devoted to identifying specific sector by sector vulnerabilities in Colorado and offering adaptation strategy options. The lead authors are the University of Colorado and the National Oceanographic and Atmospheric Administration’s Earth System Research Laboratory (CU-NOAA Western Water Assessment).</p> <p>This specific SEP will assist in funding Task 3 of the Climate Preparedness project which undertakes structured interviews that will allow the identification of societal impacts and vulnerabilities by the interviewees, ongoing preparedness efforts by the state and others, identification of personnel active in such efforts and other critical information necessary to create the final Climate Preparedness in Colorado Report.</p>

Project Description	<p>Introduction/Background</p> <p>In November of 2007, Governor Ritter released the “Colorado Climate Action Plan: A strategy to address Global Warming”.¹ The CCAP outlined three key strategies for the state government to address the climate challenge: (1) enact bridge strategies to reduce greenhouse gas emissions immediately, (2) provide leadership to ensure that long term strategies are developed and implemented, and (3) prepare the state to adapt to those climate changes which cannot be avoided.</p> <p>In the intervening 30 months since the release of the report much has transpired on all three goals. This report will address the state’s progress towards meeting CCAP goal 3: preparing the state to adapt to unavoidable climate changes. The primary purpose of this effort will be to provide a catalog of climate vulnerabilities and current activities, personnel, products, and projects from Colorado and other applicable entities along with policy relevant, but not prescriptive, suggestions for future actions.</p> <p>Climate, in the context of this new effort, will include both climate variability and climate change. Planning for climate variability has been pursued for many years by climate-vulnerable sectors. Planning for climate change, however, is a new activity and it is particularly difficult because some of the future environmental impacts are unknown and because minimizing future societal impacts will involve understanding the complicated interactions between sectors such as water and agriculture. Climate change in many cases will be experienced through new forms of climate variability. By combining climate variability with climate change into one topical area, “climate preparedness”, this report will overcome the somewhat artificial distinction between the two timescales and at least some of the current difficulties of planning for climate change.</p> <p>The effort will cover five key sectors: (1) water, (2) agriculture, (3) wildlife, ecosystems and forestry, (4) climate-sensitive recreation and tourism, and (5) energy. It will also consider the interactions between sectors; for example, water and energy are linked and decisions in one sector (e.g., convert power plants to natural gas) can affect the other sector (e.g., consume less water). This project will accomplish its goals through three distinct tasks: (1) a literature search, (2) the creation of a database of climate response activities underway, planned and/or desired in Colorado (supplemented by selected materials from other locations), (3) structured interviews with key decision makers and other personnel, and (4) a final report, “<i>Climate Preparedness in Colorado</i>” summarizing all of these efforts, prepared by the University of Colorado, with assistance from the State, by January 10, 2011.</p> <p>The objective of this specific SEP, is to fund <u>Task 3</u> of the overall project.</p> <p>Task 3: Structured Interviews</p> <p>Purpose</p> <p>The purpose of these interviews is to: (1) provide additional information for the database and wiki; (2) identify impacts and vulnerabilities in the sectors; and (3) provide information that will form the basis of the final report for the state of Colorado.</p>
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¹ <http://www.cdphe.state.co.us/climate/climateactionplan.html>

Overview

Structured interviews and follow-on discussions with decision makers and other relevant personnel are the core part of this effort. The structured interviews will allow the identification of societal impacts and vulnerabilities by the interviewees, ongoing preparedness efforts by the state and others, identification of personnel active in such efforts, and other critical information necessary to create the final report and populate the database and wiki.

We will conduct up to five – but more likely two or three - individual and group interviews, per sector. An interview plan will be prepared for each sector before this task will commence. The plan will identify by sector the target interviewees and a proposed interviewer team. The need to provide interviewee confidentiality in each meeting will be considered as part of the plan. The interview plan will be prepared in conjunction with the state, the University of Colorado, and key outsiders to make sure that the right mix of interviewers and interviewees is present in each meeting. For example, interviewers for each interview would likely include the project manager (Klein), a climate science expert (Udall), a social science expert (Travis) and sectoral experts. To increase consistency from meeting to meeting, to the extent possible, the interview team will remain constant with the exception of the sectoral expert. The groups to be interviewed will be identified by the state in consultation with the project team. Each interview group could include several people from one state entity, or people from different state entities. Consideration should be given to including participants who are outside the normal high-level discussions about climate but may have valuable insights. Meetings with NGOs and for-profit entities might be included to the extent desired by the state. We anticipate most interviews will be conducted in person, although some may take place on the phone. The interviews will be recorded for later transcription. Follow-up phone calls, emails and other forms of communication may be necessary to obtain additional information or clarification.

Prior to each interview the project team will prepare two documents, a set of questions, and a brief overview of the known climate-related science, environmental and societal impacts associated with the sector. The set of questions will be provided ahead of time so that the interviewees can be adequately prepared, including inviting additional people to the meeting if necessary. Sample questions are provided below. A consistent set of questions will allow post-interview comparison from sector to sector. The science, environmental, and societal impacts summary will provide basic information on the known impacts of climate on the sector. We expect this document to be prepared from documents such as the U.S. Global Climate Change Impacts in the United States report produced in 2009². This overview will provide critical background for an informed discussion of the societal impacts and vulnerabilities during the interview.

Pilot Interviews

A series of two or three pilot interviews will precede the structured interviews. The purpose of the pilot interviews is to test the interview questions and identify any issues that might arise with the interview plan. Pilot Interviewees will include members of the group of state personnel who are advising the University of Colorado team, specifically: Veva DeHeza, Taryn Hutchins-Cabibi, and Jennifer Gimbel, CWCB; Jim Miller, Department of Agriculture; Tom Schreiner, Division of Wildlife; Seth Portner, Governor's Energy Office; Alice Madden, Governor's

² See <http://www.globalchange.gov/publications/reports/scientific-assessments/us-impacts>

Climate Advisor, and Ginny Brannon, Dave Akers, Colorado Department of Health and the Environment. Pilot interviews will cover at least two sectors, likely water and energy. Final interviewees will be provided by the state advisory team in consultation with the project team.

Note: Pursuant to University of Colorado policy, all research involving human participants that is conducted by UCB faculty, staff or students must receive some level of review by the Institutional Review Board (IRB). The team will seek the relevant approvals before commencing interviews.

Sample Interview Questions

Questions to be asked of all interview subjects might include:

1. What climate-related stresses affect your decision making?
2. What non-climate related stresses affect your decision making?
3. How you noted any climate changes in your professional area of concern over the course of your career, or in recent years?
4. What are your top-three concerns about both climate and non-climate vulnerabilities for your sector?
5. Who are the key players in your organization who deal with climate preparedness?
6. What key organizations do you interact with to handle climate preparedness?
7. What basic questions need to be asked before we can begin adaptation planning? For example, will climate-stresses be overwhelmed by growth stresses? What solutions are and are not possible?
8. What are known climate-related impacts and vulnerabilities for the sector?
9. What climate variability and change adaptation actions are...
 - a. Underway?
 - b. Completed?
 - c. Planned?
 - d. None of the above, but desirable?
10. What existing planning documents, either from your organization or others, are important for climate preparedness?
11. What existing laws, federal and state, aid or hinder climate preparedness by your organization?
12. How would these regulations need to be adjusted?
13. What information needs do you have to make decisions with respect to...

	<ul style="list-style-type: none"> a. Monitoring? b. Data? c. Science? d. Research? e. Personnel? f. Other Resources, e.g., GIS? <p>14. Are you aware of any cross-sectoral impacts that would affect your climate preparedness? For example, what changes, either from climate or other major stresses, e.g., growth, in another sector affect your climate preparedness decision making either positively or negatively?</p> <p>15. Sectoral Questions. For each sector we will ask a series of focused questions. For example, we will provide a list of measures that have been suggested for coping with climate variability and change in a given sector, and ask which of the measures their agency has adopted/is thinking of adopting/has considered but rejected? What are the pros and cons of each measure for adapting to climate variation and change? What is considered a 'good' result and what is considered an 'unacceptable' out come?</p>																		
<p>Expected Environmental and/or Public Health Benefits</p>	<p>The project will offer an up to date report on adaptation impacts, vulnerabilities and measures, from which to launch an analysis of specific sector by sector vulnerabilities in Colorado, without which, adaptation planning cannot occur.</p>																		
<p>Project Budget</p>	<table border="1"> <thead> <tr> <th data-bbox="431 1045 745 1094">Category</th> <th data-bbox="745 1045 1273 1094">Description</th> <th data-bbox="1273 1045 1466 1094">Cost</th> </tr> </thead> <tbody> <tr> <td data-bbox="431 1094 745 1142">Personnel / Staff</td> <td data-bbox="745 1094 1273 1142">Prepare interview questions</td> <td data-bbox="1273 1094 1466 1142">\$ 2,000</td> </tr> <tr> <td data-bbox="431 1142 745 1190">Personnel / Staff</td> <td data-bbox="745 1142 1273 1190">Pilot Interviews (and vetting of questions)</td> <td data-bbox="1273 1142 1466 1190">\$ 4,000</td> </tr> <tr> <td data-bbox="431 1190 745 1239">Personnel / Staff</td> <td data-bbox="745 1190 1273 1239">Sector Interviews</td> <td data-bbox="1273 1190 1466 1239">\$ 8,000</td> </tr> <tr> <td data-bbox="431 1239 745 1287">Personnel / Staff</td> <td data-bbox="745 1239 1273 1287">Data Compilation and Organization</td> <td data-bbox="1273 1239 1466 1287">\$ 6,000</td> </tr> <tr> <td colspan="2" data-bbox="431 1287 1273 1318" style="text-align: right;">Total:</td> <td data-bbox="1273 1287 1466 1318">\$ 20,000</td> </tr> </tbody> </table>	Category	Description	Cost	Personnel / Staff	Prepare interview questions	\$ 2,000	Personnel / Staff	Pilot Interviews (and vetting of questions)	\$ 4,000	Personnel / Staff	Sector Interviews	\$ 8,000	Personnel / Staff	Data Compilation and Organization	\$ 6,000	Total:		\$ 20,000
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<p>Project Schedule</p>	<table border="1"> <tr> <td data-bbox="431 1455 867 1503">Project Start Date:</td> <td data-bbox="867 1455 1466 1503">July 1, 2010 or upon receipt of SEP funds</td> </tr> <tr> <td data-bbox="431 1503 867 1554">Complete Interviews:</td> <td data-bbox="867 1503 1466 1554">November 15, 2010</td> </tr> <tr> <td data-bbox="431 1554 867 1602">Projected Completion Date:</td> <td data-bbox="867 1554 1466 1602">December 31, 2010</td> </tr> <tr> <td data-bbox="431 1602 867 1728">SEP Completion Report Due:</td> <td data-bbox="867 1602 1466 1728">January 31, 2010</td> </tr> </table>	Project Start Date:	July 1, 2010 or upon receipt of SEP funds	Complete Interviews:	November 15, 2010	Projected Completion Date:	December 31, 2010	SEP Completion Report Due:	January 31, 2010										
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SEP Completion Report Due:	January 31, 2010																		
<p>Reporting</p>	<p>Project reports will provide sufficient information for the department to monitor the project implementation status, to verify and document the proper expenditure of SEP funds, and to evaluate the effectiveness and benefits of the SEP. A full expense accounting, including proof of all payments, will be provided in the SEP Completion Report. The SEP Completion report will contain:</p>																		

	<ul style="list-style-type: none"> • A detailed description of the project as implemented; • A description of any operating problems encountered and the solutions thereto; • Itemized costs, documented by copies of purchase orders and receipts or canceled checks; • Certification and demonstration that the SEP has been fully implemented pursuant to the provisions of the Consent Order; and • A description of the environmental and public health benefits resulting from implementation of the SEP along with quantification of the outcomes and benefits.
<p>Other Relevant Information</p>	
<p>Has the applicant entered into any prior commitments to fund this project, voluntary or otherwise? If yes, please explain.</p>	<p>No.</p>

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

4300 Cherry Creek Dr. S. Laboratory Services Division
Denver, Colorado 80246-1530 8100 Lowry Blvd.
Phone (303) 692-2000 Denver, Colorado 80230-6928
TDD Line (303) 691-7700 (303) 692-3090

Located in Glendale, Colorado

<http://www.cdphe.state.co.us>



Colorado Department
of Public Health
and Environment

November 15, 2010

Certified Mail Number: 7007 0220 0001 0163 5266

CDPS Number CO0047473

Ms. Janet Bronitsky, Executive Administrator
Congregation Emanuel
51 Grape Street
Denver, CO 80220

RE: Compliance Order on Consent, Number: MC-100713-1

Dear Ms. Bronitsky:

On July 13, 2010, the Colorado Department of Public Health and Environment's Water Quality Control Division (the "Division") signed a Compliance Order on Consent (the "Consent Order") between the Division and Congregation Emanuel. This Consent Order went to public notice on July 23, 2010, and was subject to a thirty (30) day public comment period. The public comment period elapsed on August 22, 2010.

In consideration of the public comments submitted to the Division in response to the public notice of the Compliance Order on Consent, the Division and Congregation Emanuel signed Amendment Number 1 to the Compliance Order on Consent on November 8, 2010, changing the Supplemental Environmental Project. Enclosed please find a copy of the Division's response to the public comments received and the Compliance Order on Consent Amendment Number 1.

The Division is hereby providing Congregation Emanuel notice that it considers the Compliance Order on Consent and Amendment Number 1 to be a final agency action and is fully effective, enforceable and final.

If you have any questions, please don't hesitate to contact Jackie Whelan at (303) 692-3617 or by electronic mail at jackie.whelan@state.co.us.

Sincerely,

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

Enclosures

cc: Gilpin County Environmental Health Department
ec: Aaron Urdiales, EPA Region VIII
Dennis Pontius, Engineering Section, CDPHE



DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

DIVISION OF ADMINISTRATION

WATER QUALITY CONTROL DIVISION

**AMENDMENT NUMBER ONE
COMPLIANCE ORDER ON CONSENT**

NUMBER: MC-100713-1

**IN THE MATTER OF: CONGREGATION EMANUEL
SHWAYDER CAMP WASTEWATER TREATMENT FACILITY
CDPS PERMIT NUMBER CO-0047473
CLEAR CREEK COUNTY, COLORADO**

The Colorado Department of Public Health and Environment ("CDPHE"), through the Water Quality Control Division ("Division"), issues this Amendment Number One to the July 13, 2010, Compliance Order on Consent, Number: MC-100713-1, (*See attached copy marked as "Attachment A" for reference.*) which was executed between the Department and Congregation Emanuel. This amendment is issued pursuant to the Division's authority under the Colorado Water Quality Control Act, sections 25-8-101 to 703, C.R.S. ("CWQCA"), and with the express consent of Congregation Emanuel. The Division and Congregation Emanuel may be referred to collectively as "the Parties."

STATEMENT OF PURPOSE

The mutual objective of the Parties in amending Compliance Order on Consent Number: MC-100713-1 ("Compliance Order on Consent") is:

1. To resolve the public comments received by the Division regarding the Compliance Order on Consent.

GENERAL FINDINGS

2. On July 13, 2010, the Parties executed the Compliance Order on Consent to resolve, without litigation, the civil penalties associated with the alleged violations cited in the Notice of Violation and Cease and Desist Order (Number MO-060316-1) ("NOV-CDO") issued to Congregation Emanuel on March 16, 2006.
3. On July 23, 2010, the Division issued a public notice of the Compliance Order on Consent to solicit public comment, in accordance with the Division's "Public Notification of Administrative Enforcement Actions Policy," as provided in paragraph 29 of the Compliance Order on Consent.

4. In a letter dated August 10, 2010, from the Standley Lake Cities (Westminster, Northglenn, and Thornton) to the Division, the Standley Lake Cities submitted several comments regarding the Compliance Order on Consent, particularly the Supplemental Environmental Project ("SEP") described in paragraph 24 of the Compliance Order on Consent. The Standley Lake Cities requested that the SEP have a greater geographical nexus to the watershed affected by the alleged violations cited in the NOV-CDO.
5. In a letter dated August 11, 2010, from Clear Creek County to the Division, Clear Creek County requested that projects taking place in, and of direct benefit to, the Clear Creek Watershed – the area in which the violation occurred – be given priority consideration for the SEP. Clear Creek County suggested a project in the Upper Clear Creek Watershed.
6. In a letter dated August 16, 2010, from the Upper Clear Creek Watershed Association ("UCCWA") to the Division, the UCCWA stated its support for the recommendations offered by Clear Creek County in its August 11, 2010, letter. More specifically, the UCCWA suggested that a project currently planned in the Upper Clear Creek Watershed be the recipient of the SEP funds, as it would have a direct and positive impact on water quality in the affected watershed. The suggested project was to be performed by the Clear Creek Watershed Foundation.
7. The Clear Creek Watershed Foundation is not able to execute the project at this time. Clear Creek County, then proposed the Clear Creek County Household Hazardous Waste Collection Year-Round Pilot Project be the recipient of the SEP funds.
8. In a letter dated October 14, 2010, to the Department, the UCCWA stated its support for the Clear Creek County Household Hazardous Waste Collection Year-Round Pilot Project.
9. The City of Westminster submitted a letter of support for the Clear Creek County Household Hazardous Waste Collection Year-Round Pilot Project.

AMENDMENT NUMBER ONE

10. Effective as of the issue date of this Amendment, Compliance Order on Consent Number: MC-100713-1 is amended as follows:
 - a. In consideration of the public comments submitted to the Division in response to the public notice of the Compliance Order on Consent, as recounted in the General Findings above, paragraph 24(a) is superseded and replaced with the following new paragraph:
 - a) Congregation Emanuel shall donate Twenty Thousand Dollars (\$20,000.00) to Clear Creek County Land Use Division. The funds will be used for an annual, on-going Clear Creek County Household Hazardous Waste Collection Pilot Project as further described in Attachment B. Congregation Emanuel shall make the payment of Twenty Thousand Dollars (\$20,000.00) to the attention of JoAnn Sorensen, Clear Creek County Land Use Division Director, PO Box 2000, Georgetown, CO 80444. Congregation Emanuel shall provide the Division with a copy of the cover letter and check within thirty (30) calendar days of the effective date of this Amendment 1 to Consent Order MC-100713-1.

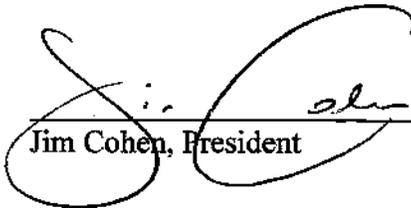
NOTICE OF EFFECTIVE DATE OF AMENDMENT NUMBER ONE

11. This amendment shall be fully effective and enforceable upon issuance.
12. The scope of this amendment to Compliance Order on Consent, Number MC-100713-1 is expressly limited to the matters specifically identified herein. All other terms, conditions or requirements of Compliance Order on Consent, Number MC-100713-1 shall remain unchanged and in effect.

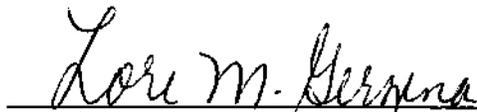
AUTHORIZATION TO SIGN

13. The undersigned warrant that they are authorized to bind legally their respective principals to this amendment to Compliance Order on Consent, Number MC-100713-1. This amendment to Compliance Order on Consent, Number MC-100713-1 may be executed in multiple counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same amendment. In the event that a party does not sign this amendment to Compliance Order on Consent, Number MC-100713-1 within twenty (20) calendar days of the other party's signature, this amendment becomes null and void.

FOR CONGREGATION EMANUEL:

 _____ Date: 11/3/2010
Jim Cohen, President

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

 _____ Date: 11/8/10
Lori M. Gerzina, Section Manager
Compliance Assurance Section
WATER QUALITY CONTROL DIVISION

STATE OF COLORADO

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

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Colorado Department
of Public Health
and Environment

July 14, 2010

Ms. Janet Bronitsky, Executive Administrator
Congregation Emanuel
51 Grape Street
Denver, Colorado 80220

RE: Compliance Order on Consent, Number: MC-100713-1

Dear Ms. Bronitsky:

Enclosed for Congregation Emanuel's 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 29). 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 Jackie Whelan at (303) 692-3612 or by electronic mail at jackie.whelan@state.co.us.

Sincerely,

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

Enclosure(s)

cc: Clear Creek County Public and Environmental Health
Clear Creek County Environmental Health Department

ec: Aaron Urdiales, EPA Region VIII
Doug Camrud, Engineering Section, CDPHE

ATTACHMENT A

Dick Parachini, Watershed Program, CDPHE

Gary Beers, Permits Unit, CDPHE

Michael Beck, OPA

Jackie Whelan, Case Person



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

COMPLIANCE ORDER ON CONSENT

NUMBER: MC-100713-1

IN THE MATTER OF: CONGREGATION EMANUEL
SHWAYDER CAMP WASTEWATER TREATMENT FACILITY
CDPS PERMIT NO. CO-0047473
CLEAR CREEK COUNTY, COLORADO

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 §§25-8-602 and 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 Congregation Emanuel. The Division and Congregation Emanuel 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-060316-1) issued to Congregation Emanuel on March 16, 2006 (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 Congregation Emanuel, the Facility and Congregation Emanuel’s compliance with the Act and its implementing regulations and Congregation Emanuel’s Colorado Discharge Permit System permits.
3. At all times relevant to the violations cited herein, Congregation Emanuel was a Colorado corporation and registered to conduct business in the State of Colorado.

ATTACHMENT A

4. Congregation Emanuel is 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).
5. Congregation Emanuel owns and operates a wastewater treatment facility, known as the Shwayder Camp Wastewater Treatment Facility, located in the Southwest 1/4 of the Northwest 1/4 of Section 31, Township 4 South, Range 73 East, 6th Principal Meridian, Clear Creek County, Colorado (the “Facility”).
6. Between February 1, 2000 and June 6, 2005, the Facility was the subject of the Colorado Discharge Permit System (“CDPS”), General Permit No. COG584000 as established by CDPS Permit Certification effective February 1, 2000. Beginning on June 7, 2005 through June 30, 2007, the Facility was authorized, via CDPS Permit Certification No. COG588009, to discharge under CDPS General Permit COG588000 which replaced General Permit No. COG584000. On July 1, 2007, the discharge authorization under permit COG584000 was replaced by CDPS Permit No. CO-0047473 which will expire June 30, 2012.
7. The above CDPS permits/certifications all authorized a discharge from the Facility to Chicago Creek through Outfall 001A.
8. Outfall 001A is a “point source” as defined by §25-8-103(14), C.R.S.
9. Chicago Creek is “state waters” as defined by §25-8-103(19), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2 (102).
10. Section 61.8, 5 CCR 1002-61, states in part that “A permittee must comply with all the terms and conditions of the permit.”

Failure to Comply with Effluent Limitations

11. Pursuant to Part I.B.6.a. of CDPS General Permit No. COG584000; Part I.B.7.b. of CDPS General Permit No. COG588000 and Part I.A.5 and Part I.A.6 of CDPS Permit CO-0047473, Congregation Emanuel’s discharge at outfall 001A, should not have exceeded corresponding effluent limitations for 5-day Biochemical Oxygen Demand (“BOD₅”), BOD₅ Removal, Total Suspended Solids (“TSS”), TSS Removal, Fecal Coliform, Total Inorganic Nitrogen (“TIN”) and Flow as specified below:

EFFLUENT PARAMETER	DISCHARGE LIMITATION	
	30-Day Average	7-Day Average
BOD ₅ (mg/l)	30	45
BOD ₅ Removal (%)	85 (min.)	-
TSS (mg/l)	30	45
TSS Removal (%)	85 (min.)	-
Flow (MGD)	0.009	-
Fecal Coliform (no./100ml)	6,000	12,000
TIN (mg/l)	52.5	-

12. Pursuant to the requirements of the various permits, Congregation Emanuel collects specific samples at a discharge location described therein as Outfall 001A, following chlorination and prior to entering Chicago Creek.
13. The analytical results of the samples collected at Outfall 001A are summarized by Congregation Emanuel and reported to the Division via monthly Discharge Monitoring Reports (“DMRs”).
14. The DMRs submitted by Congregation Emanuel include a certification by Congregation Emanuel that the information provided therein is true, accurate, and complete, to the knowledge and belief of Congregation Emanuel.
15. The DMRs for the months of June 2003 through July 2008 include, in addition to other data not subject of this action, the following effluent measurement and/or calculated data for BOD₅, BOD₅ Removal, TSS, TSS Removal, Flow, Fecal Coliform and TIN in violation of the effluent limits established in the various Permits:

REPORTED EFFLUENT SELF-MONITORING DATA (OUTFALL 001A)		
DMR Reporting Period and Parameter	30-Day Average	7-Day Average
BOD₅ (in mg/l)	Limit = 30 mg/l	Limit = 45mg/l
June 1-June 30, 2003	93	93
July 1-July 31, 2003	56	63
September 1-September 30, 2003	59	59

ATTACHMENT A

REPORTED EFFLUENT SELF-MONITORING DATA (OUTFALL 001A)		
DMR Reporting Period and Parameter	30-Day Average	7-Day Average
BOD₅ (in mg/l) (continued)	Limit = 30 mg/l	Limit = 45mg/l
July 1-July 31, 2004	33	68
August 1-August 31, 2004	59	59
May 1-May 31, 2005	52	52
July 1-July 31, 2005	47	47
August 1-August 31, 2005	48	48
June 1-June 30, 2006	-	76
July 1-July 31, 2008	66	66
BOD₅ Removal (in %)	Limit = 85 % (min.)	N/A
September 1-September 30, 2003	77	-
August 1-August 31, 2004	82	-
May 1-May 31, 2005	75	-
July 1-July 31, 2008	77.85	-
TSS (mg/l)	Limit = 30 mg/l	Limit = 45 mg/l
June 1-June 30, 2003	76	76
September 1-September 30, 2003	46	46
July 1-July 31, 2008	57	57
TSS Removal (%)	Limit = 85 % (min.)	N/A
September 1-September 30, 2003	78	-
July 1-July 31, 2004	84	-
August 1-August 31, 2004	82	-
July 1-July 31, 2005	50	-
August 1-August 31, 2005	71	-
June 1-June 30, 2006	71	-
July 1-July 31, 2008	67.61	-
Fecal Coliform (no./100ml)	Limit = 6,000/100ml	Limit = 12,000/100ml
July 1-July 31, 2005	64,440	77,775

REPORTED EFFLUENT SELF-MONITORING DATA (OUTFALL 001A)		
DMR Reporting Period and Parameter	30-Day Average	7-Day Average
Flow (MGD)	Limit = 009 MGD	Limit = N/A
September 1-September 30, 2003	0.038	-
TIN (mg/l)	Limit = 52.5 mg/l	Limit = N/A
July 1-July 31, 2008	53.76	-

16. BOD₅, BOD₅ Removal, TSS, TSS Removal, Fecal Coliform, TIN and Flow are “pollutants” as defined by §25-8-103(15), C.R.S., or indicators thereof.
17. Congregation Emanuel’s failure to comply with the effluent limitations identified in paragraph 11 above constitutes violations of Part I.B.6.a. of CDPS General Permit No. COG584000; Part I.B.7.b. of CDPS General Permit No. COG588000; and, Part I.A.5 and Part I.A.6 of CDPS Permit CO-0047473.

ORDER AND AGREEMENT

18. 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 / Cease and Desist Order (Number: MO-060316-1), the Division orders Congregation Emanuel to comply with all provisions of this Consent Order, including all requirements set forth below.
19. Congregation Emanuel agrees to the terms and conditions of this Consent Order. Congregation Emanuel 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. Congregation Emanuel also agrees not to challenge directly or collaterally, in any judicial or administrative proceeding brought by the Division or by Congregation Emanuel 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.
20. Notwithstanding the above, Congregation Emanuel does not admit to any of the factual or legal determinations made by the Division herein, and any action undertaken by Congregation Emanuel

pursuant to this Consent Order shall not constitute evidence of fault by Congregation Emanuel with respect to the conditions of the Facility.

CIVIL PENALTY AND SUPPLEMENTAL ENVIRONMENTAL PROJECTS

21. In addition to all other funds necessary to comply with the requirements of this Consent Order, Congregation Emanuel shall pay Twenty Five Thousand Dollars (\$25,000.00) in the form of civil penalties and expenditures on a Supplemental Environmental Project (“SEP”) in order to achieve settlement of this matter.
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, Congregation Emanuel shall pay Five Thousand Dollars (\$5,000.00) in civil penalties. The Division intends to petition the Executive Director, or her designee, to impose the Five Thousand Dollars (\$5,000.00) civil penalty for the above violation(s) and Congregation Emanuel agrees to make the payment within thirty (30) calendar days of the issuance of a Penalty Order by the Executive Director or her designee. 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:

Colorado Department of Public Health and Environment
WQCD-CAS
Attention: Jacalyn Whelan
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530
23. Congregation Emanuel shall also perform the SEP identified below. Congregation Emanuel’s total expenditure for the SEP shall not be less than Twenty Thousand Dollars (\$20,000.00).
24. Congregation Emanuel shall undertake the following SEP, which the Parties agree is intended to secure significant environmental or public health protection and improvements:
 - a. Congregation Emanuel shall donate Twenty Thousand Dollars (\$20,000.00) to the University of Colorado. The funds will be used for a climate adaptation study pertaining to economic and natural resource vulnerabilities from climate change in Colorado as further described in Exhibit A. Congregation Emanuel shall make the payment of Twenty Thousand Dollars (\$20,000.00) to the attention of Bradley Udall, University of Colorado at Boulder, CU-NOAA Western Water Assessment (WWA), 216 UCB, Boulder, Colorado 80309. Congregation Emanuel shall provide the Division with a copy of the cover letter and check within thirty (30) calendar days of the effective date of this Consent Order.
25. Congregation Emanuel 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. Congregation Emanuel 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. Congregation Emanuel further certifies that it has not received, and will not receive, credit in any other enforcement action for the SEP. In the event that Congregation Emanuel has, or will receive credit under any other legal obligation for the SEP, Congregation Emanuel shall pay Twenty Thousand Dollars (\$20,000.00), 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 as set forth in paragraph 22 above.
27. Congregation Emanuel's will be deemed to have met its obligations regarding performance of the SEP upon presentation of a cover letter and copy of the check identifying the monies for the above-described project provided that it does so within thirty (30) calendar days of the effective date of this Consent Order. In the event that Congregation Emanuel fails to comply with any of the terms or provisions of this Consent Order relating to the performance of the SEP, Congregation Emanuel shall be liable for penalties as follows:
 - a. Payment of a penalty in the amount of Twenty Thousand Dollars (\$20,000.00). The Division, in its sole discretion, may elect to reduce this penalty for environmental benefits created by the partial performance of the SEP.
 - b. Congregation Emanuel 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 22 above.

SCOPE AND EFFECT OF CONSENT ORDER

28. The Parties agree and acknowledge that this Consent Order constitutes a full and final settlement of the civil penalties associated with the violations cited herein and in Notice of Violation and Cease and Desist Order (Number MO-060316-1) issued to Congregation Emanuel on March 16, 2006.
29. 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 Congregation Emanuel 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.
30. 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 Congregation Emanuel, 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 (\$10,000.00) per day for each day during which such violation occurs.

31. Notwithstanding paragraph 20 above, the violations described in this Consent Order will constitute part of Congregation Emanuel'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 Congregation Emanuel. Congregation Emanuel agrees not to challenge the use of the cited violations for any such purpose.
32. This Consent Order does not relieve Congregation Emanuel 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

33. 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-060316-1) issued to Congregation Emanuel on March 16, 2006. 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.
34. This Consent Order does not grant any release of liability for any violations not specifically cited herein.
35. 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.
36. Upon the effective date of this Consent Order, Congregation Emanuel 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.
37. Congregation Emanuel 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 Congregation Emanuel, or those acting for or on behalf of Congregation Emanuel, including its officers, employees, agents, successors, representatives, contractors, consultants or attorneys in carrying out activities pursuant to this Consent Order. Congregation Emanuel shall not hold out the State of Colorado or its employees, agents or representatives as a party to any contract entered into by Congregation Emanuel 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.

38. 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, Congregation Emanuel shall perform the requirements of this Consent Order that were delayed by the force majeure with all due diligence.

NOTICES

39. 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
WQCD-CAS
Attention: Jacalyn Whelan
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530
Telephone: 303.692.3612
E-mail: jackie.whelan@state.co.us

For Congregation Emanuel:

Janet Bronitsky, Executive Administrator
Congregation Emanuel
51 Grape Street
Denver, CO 80220

MODIFICATIONS

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

NOTICE OF EFFECTIVE DATE

41. This Consent Order shall be fully effective, enforceable and constitute a final agency action upon notice from the Division following closure of the public comment period referenced in paragraph 29.

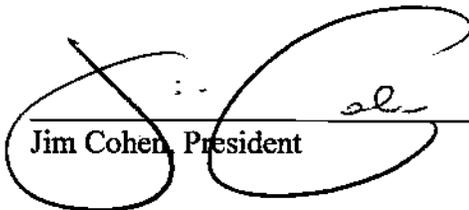
BINDING EFFECT AND AUTHORIZATION TO SIGN

42. This Consent Order is binding upon Congregation Emanuel 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. Congregation Emanuel agrees to provide a copy of this Consent Order to any contractors and other agents

ATTACHMENT A

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 CONGREGATION EMANUEL:

 Date: 6/23/10
Jim Cohen, President

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT:

 Date: July 13, 2010
Lori M. Gerzina, Manager
Compliance Assurance Section
WATER QUALITY CONTROL DIVISION

SUPPLEMENTAL ENVIRONMENTAL PROJECTS (SEP) PROPOSAL/AGREEMENT

The regulated entity, identified below, submits the following SEP application to the Colorado Department of Public Health and Environment (the department) for SEP consideration.

Enforcement Action Information	Congregation Emanuel Case No.: MO-060316-1
Regulated Entity Contact Information	Janet Bronitsky Congregation Emmanuel 51 Grape Street Denver, CO 80220 (303) 388-4013] bronitsky@congregationmanuel.com
3rd Party SEP Recipient Contact	Bradley Udall 303-497-4573 Bradley.Udall@colorado.edu University of Colorado at Boulder CU-NOAA Western Water Assessment (WWA) 216 UCB Boulder, Colorado 80309
CDPHE Contact Person	Rachel Wilson-Roussel 303-692-2976
Geographical Area to Benefit Most Directly From Project	Agricultural areas, forests, and watersheds in Colorado and the communities that depend on them.
Project Title	Climate Preparedness in Colorado – Task 3, Structured Interviews
Project Type	Third Party SEP Donation
SEP Category	Environmental Assessment
Project Summary	<p>The Climate Preparedness in Colorado Project is a climate adaptation study pertaining to economic and natural resource vulnerabilities from climate change. The study will be primarily devoted to identifying specific sector by sector vulnerabilities in Colorado and offering adaptation strategy options. The lead authors are the University of Colorado and the National Oceanographic and Atmospheric Administration’s Earth System Research Laboratory (CU-NOAA Western Water Assessment).</p> <p>This specific SEP will assist in funding Task 3 of the Climate Preparedness project which undertakes structured interviews that will allow the identification of societal impacts and vulnerabilities by the interviewees, ongoing preparedness efforts by the state and others, identification of personnel active in such efforts and other critical information necessary to create the final Climate Preparedness in Colorado Report.</p>

Project Description	<p>Introduction/Background</p> <p>In November of 2007, Governor Ritter released the “Colorado Climate Action Plan: A strategy to address Global Warming”.¹ The CCAP outlined three key strategies for the state government to address the climate challenge: (1) enact bridge strategies to reduce greenhouse gas emissions immediately, (2) provide leadership to ensure that long term strategies are developed and implemented, and (3) prepare the state to adapt to those climate changes which cannot be avoided.</p> <p>In the intervening 30 months since the release of the report much has transpired on all three goals. This report will address the state’s progress towards meeting CCAP goal 3: preparing the state to adapt to unavoidable climate changes. The primary purpose of this effort will be to provide a catalog of climate vulnerabilities and current activities, personnel, products, and projects from Colorado and other applicable entities along with policy relevant, but not prescriptive, suggestions for future actions.</p> <p>Climate, in the context of this new effort, will include both climate variability and climate change. Planning for climate variability has been pursued for many years by climate-vulnerable sectors. Planning for climate change, however, is a new activity and it is particularly difficult because some of the future environmental impacts are unknown and because minimizing future societal impacts will involve understanding the complicated interactions between sectors such as water and agriculture. Climate change in many cases will be experienced through new forms of climate variability. By combining climate variability with climate change into one topical area, “climate preparedness”, this report will overcome the somewhat artificial distinction between the two timescales and at least some of the current difficulties of planning for climate change.</p> <p>The effort will cover five key sectors: (1) water, (2) agriculture, (3) wildlife, ecosystems and forestry, (4) climate-sensitive recreation and tourism, and (5) energy. It will also consider the interactions between sectors; for example, water and energy are linked and decisions in one sector (e.g., convert power plants to natural gas) can affect the other sector (e.g., consume less water). This project will accomplish its goals through three distinct tasks: (1) a literature search, (2) the creation of a database of climate response activities underway, planned and/or desired in Colorado (supplemented by selected materials from other locations), (3) structured interviews with key decision makers and other personnel, and (4) a final report, “<i>Climate Preparedness in Colorado</i>” summarizing all of these efforts, prepared by the University of Colorado, with assistance from the State, by January 10, 2011.</p> <p>The objective of this specific SEP, is to fund <u>Task 3</u> of the overall project.</p> <p>Task 3: Structured Interviews</p> <p>Purpose</p> <p>The purpose of these interviews is to: (1) provide additional information for the database and wiki; (2) identify impacts and vulnerabilities in the sectors; and (3) provide information that will form the basis of the final report for the state of Colorado.</p>
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¹ <http://www.cdphe.state.co.us/climate/climateactionplan.html>

Overview

Structured interviews and follow-on discussions with decision makers and other relevant personnel are the core part of this effort. The structured interviews will allow the identification of societal impacts and vulnerabilities by the interviewees, ongoing preparedness efforts by the state and others, identification of personnel active in such efforts, and other critical information necessary to create the final report and populate the database and wiki.

We will conduct up to five – but more likely two or three - individual and group interviews, per sector. An interview plan will be prepared for each sector before this task will commence. The plan will identify by sector the target interviewees and a proposed interviewer team. The need to provide interviewee confidentiality in each meeting will be considered as part of the plan. The interview plan will be prepared in conjunction with the state, the University of Colorado, and key outsiders to make sure that the right mix of interviewers and interviewees is present in each meeting. For example, interviewers for each interview would likely include the project manager (Klein), a climate science expert (Udall), a social science expert (Travis) and sectoral experts. To increase consistency from meeting to meeting, to the extent possible, the interview team will remain constant with the exception of the sectoral expert. The groups to be interviewed will be identified by the state in consultation with the project team. Each interview group could include several people from one state entity, or people from different state entities. Consideration should be given to including participants who are outside the normal high-level discussions about climate but may have valuable insights. Meetings with NGOs and for-profit entities might be included to the extent desired by the state. We anticipate most interviews will be conducted in person, although some may take place on the phone. The interviews will be recorded for later transcription. Follow-up phone calls, emails and other forms of communication may be necessary to obtain additional information or clarification.

Prior to each interview the project team will prepare two documents, a set of questions, and a brief overview of the known climate-related science, environmental and societal impacts associated with the sector. The set of questions will be provided ahead of time so that the interviewees can be adequately prepared, including inviting additional people to the meeting if necessary. Sample questions are provided below. A consistent set of questions will allow post-interview comparison from sector to sector. The science, environmental, and societal impacts summary will provide basic information on the known impacts of climate on the sector. We expect this document to be prepared from documents such as the U.S. Global Climate Change Impacts in the United States report produced in 2009². This overview will provide critical background for an informed discussion of the societal impacts and vulnerabilities during the interview.

Pilot Interviews

A series of two or three pilot interviews will precede the structured interviews. The purpose of the pilot interviews is to test the interview questions and identify any issues that might arise with the interview plan. Pilot Interviewees will include members of the group of state personnel who are advising the University of Colorado team, specifically: Veva DeHeza, Taryn Hutchins-Cabibi, and Jennifer Gimbel, CWCB; Jim Miller, Department of Agriculture; Tom Schreiner, Division of Wildlife; Seth Portner, Governor's Energy Office; Alice Madden, Governor's

² See <http://www.globalchange.gov/publications/reports/scientific-assessments/us-impacts>

Climate Advisor, and Ginny Brannon, Dave Akers, Colorado Department of Health and the Environment. Pilot interviews will cover at least two sectors, likely water and energy. Final interviewees will be provided by the state advisory team in consultation with the project team.

Note: Pursuant to University of Colorado policy, all research involving human participants that is conducted by UCB faculty, staff or students must receive some level of review by the Institutional Review Board (IRB). The team will seek the relevant approvals before commencing interviews.

Sample Interview Questions

Questions to be asked of all interview subjects might include:

1. What climate-related stresses affect your decision making?
2. What non-climate related stresses affect your decision making?
3. How you noted any climate changes in your professional area of concern over the course of your career, or in recent years?
4. What are your top-three concerns about both climate and non-climate vulnerabilities for your sector?
5. Who are the key players in your organization who deal with climate preparedness?
6. What key organizations do you interact with to handle climate preparedness?
7. What basic questions need to be asked before we can begin adaptation planning? For example, will climate-stresses be overwhelmed by growth stresses? What solutions are and are not possible?
8. What are known climate-related impacts and vulnerabilities for the sector?
9. What climate variability and change adaptation actions are...
 - a. Underway?
 - b. Completed?
 - c. Planned?
 - d. None of the above, but desirable?
10. What existing planning documents, either from your organization or others, are important for climate preparedness?
11. What existing laws, federal and state, aid or hinder climate preparedness by your organization?
12. How would these regulations need to be adjusted?
13. What information needs do you have to make decisions with respect to...

	<ul style="list-style-type: none"> a. Monitoring? b. Data? c. Science? d. Research? e. Personnel? f. Other Resources, e.g., GIS? <p>14. Are you aware of any cross-sectoral impacts that would affect your climate preparedness? For example, what changes, either from climate or other major stresses, e.g., growth, in another sector affect your climate preparedness decision making either positively or negatively?</p> <p>15. Sectoral Questions. For each sector we will ask a series of focused questions. For example, we will provide a list of measures that have been suggested for coping with climate variability and change in a given sector, and ask which of the measures their agency has adopted/is thinking of adopting/has considered but rejected? What are the pros and cons of each measure for adapting to climate variation and change? What is considered a 'good' result and what is considered an 'unacceptable' out come?</p>																		
<p>Expected Environmental and/or Public Health Benefits</p>	<p>The project will offer an up to date report on adaptation impacts, vulnerabilities and measures, from which to launch an analysis of specific sector by sector vulnerabilities in Colorado, without which, adaptation planning cannot occur.</p>																		
<p>Project Budget</p>	<table border="1"> <thead> <tr> <th align="center">Category</th> <th align="center">Description</th> <th align="center">Cost</th> </tr> </thead> <tbody> <tr> <td>Personnel / Staff</td> <td>Prepare interview questions</td> <td align="right">\$ 2,000</td> </tr> <tr> <td>Personnel / Staff</td> <td>Pilot Interviews (and vetting of questions)</td> <td align="right">\$ 4,000</td> </tr> <tr> <td>Personnel / Staff</td> <td>Sector Interviews</td> <td align="right">\$ 8,000</td> </tr> <tr> <td>Personnel / Staff</td> <td>Data Compilation and Organization</td> <td align="right">\$ 6,000</td> </tr> <tr> <td align="right" colspan="2">Total:</td> <td align="right">\$ 20,000</td> </tr> </tbody> </table>	Category	Description	Cost	Personnel / Staff	Prepare interview questions	\$ 2,000	Personnel / Staff	Pilot Interviews (and vetting of questions)	\$ 4,000	Personnel / Staff	Sector Interviews	\$ 8,000	Personnel / Staff	Data Compilation and Organization	\$ 6,000	Total:		\$ 20,000
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Personnel / Staff	Data Compilation and Organization	\$ 6,000																	
Total:		\$ 20,000																	
<p>Budget Discussion</p>	<p>Additional funding sources for overall project include: Colorado Water Conservation Board = \$40,000 Governor's Energy Office = \$50,000 Colorado Department of Agriculture = \$10,000</p>																		
<p>Project Schedule</p>	<table border="1"> <tr> <td align="center">Project Start Date:</td> <td>July 1, 2010 or upon receipt of SEP funds</td> </tr> <tr> <td align="center">Complete Interviews:</td> <td>November 15, 2010</td> </tr> <tr> <td align="center">Projected Completion Date:</td> <td>December 31, 2010</td> </tr> <tr> <td align="center">SEP Completion Report Due:</td> <td>January 31, 2010</td> </tr> </table>	Project Start Date:	July 1, 2010 or upon receipt of SEP funds	Complete Interviews:	November 15, 2010	Projected Completion Date:	December 31, 2010	SEP Completion Report Due:	January 31, 2010										
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SEP Completion Report Due:	January 31, 2010																		
<p>Reporting</p>	<p>Project reports will provide sufficient information for the department to monitor the project implementation status, to verify and document the proper expenditure of SEP funds, and to evaluate the effectiveness and benefits of the SEP. A full expense accounting, including proof of all payments, will be provided in the SEP Completion Report. The SEP Completion report will contain:</p>																		

ATTACHMENT A

	<ul style="list-style-type: none">• A detailed description of the project as implemented;• A description of any operating problems encountered and the solutions thereto;• Itemized costs, documented by copies of purchase orders and receipts or canceled checks;• Certification and demonstration that the SEP has been fully implemented pursuant to the provisions of the Consent Order; and• A description of the environmental and public health benefits resulting from implementation of the SEP along with quantification of the outcomes and benefits.
Other Relevant Information	
Has the applicant entered into any prior commitments to fund this project, voluntary or otherwise? If yes, please explain.	No.

SUPPLEMENTAL ENVIRONMENTAL PROJECTS (SEP) PROPOSAL/AGREEMENT

The regulated entity, identified below, submits the following SEP application to the Colorado Department of Public Health and Environment (the department) for SEP consideration.

Enforcement Action Information	Congregation Emmanuel Case No.: MO-060316-1	
Regulated Entity Contact Information	Janet Bronitsky Congregation Emmanuel 51 Grape Street Denver, CO 80220 (303) 388-4013 bronitsky@congregationmanuel.com	
Third Party SEP Administrator Contact	JoAnn Sorensen Clear Creek County Land Use Division Director P.O. Box 2000 Georgetown, CO 80444 303-679-2409	Type of organization: Government <u> X </u> Non-profit* <u> </u> *If non-profit, please attach a copy of your 501c(3) exemption to this SEP Agreement.
Additional Coordinating Entity Contact	Kathleen Krebs Clear Creek Local Emergency Planning Committee P. O. Box 442 Georgetown, CO 80444 303-679-2320	Statutory Committee <u> X </u>
CDPHE Contact Person	Rachel Wilson-Roussel, Sustainability Program, 303-692-2976	
Geographical Area to Benefit Most Directly From Project	Clear Creek County waterways to include: watersheds, storm drain systems, groundwater, water/wastewater treatment plants	
Project Title	Clear Creek County Household Hazardous Waste Collection Year-Round Pilot Project	
Project Type	Third Party SEP Donation	
SEP Category	Pollution Reduction	
Project Summary	The objective of this project is to mitigate the serious problems related to water quality and health & safety presented by inappropriate disposal of accumulated chemicals.	

ATTACHMENT B

Almost every home contains hazardous products that are used in cleaning, home improvement projects, automobile maintenance, lawn and garden care, and a variety of other tasks. In order to protect our health, environment and waterways these products must be disposed of properly.

Paints, paint thinners, pesticides, fertilizers, gasoline, windshield wiper fluid, antifreeze, motor oil, brake fluid, adhesives, batteries, furniture polish, drain openers, oven cleaners, grease, tar, solvents and over-the-counter medications all contain hazardous chemicals that are corrosive, explosive/reactive, flammable, and/or toxic. When hazardous household products are no longer usable or wanted, they become household hazardous wastes, and when disposed of improperly, they pose a threat to the environment and the waterways.

In the landfill these wastes can leach into surface water and groundwater. Disposal of household hazardous wastes down the drain pollutes drinking water. In septic systems, hazardous wastes kill the organisms that make the system work. This may cause untreated wastes to drain into the soil and eventually seep into the groundwater. Sewage treatment plants have been damaged by household hazardous wastes, resulting in the release of raw sewage and chemicals into streams. Storm drains, which are often used improperly for dumping, are a direct route to nearby waterways, and anything that is poured, or stored, on the ground may spread or runoff the next time it rains.

Because of the dangers these household hazardous products pose, particularly in a rural mountain setting, they require special handling and disposal.

The County Transfer Station collects and recycles antifreeze and waste oil. There is a fee associated with the collection of fluorescent bulbs, propane tanks, electronic waste and batteries. Paint is collected but it must be treated with kitty litter, and then it is sent to a landfill. At this time the County Transfer Station is unable to accept certain hazardous chemical materials such as pesticides, herbicides, mercury, paint thinner, solvents, resins, caulking material, epoxy, alkaline waste solutions, acids or adhesives.

In 2009 and 2010 the Local Emergency Planning Committee (LEPC) and the Clear Creek County Office of Emergency Management hosted a one day Household Hazardous Waste Collection Day event. Collection totals for are as follows:

2009

300 lbs of Alkaline & Nickel Cad batteries (for recycling)
24 lbs of Lithium Batteries
11,080 lbs of Electronic Waste
400 lbs of Motor Oil
1,250 lbs of Chemicals and Acids
5 lbs of Mercury (for recycling)
2,800 lbs of Resins, Tar and Greases
9,300 lbs of Oil Based Paint & Stains
17,500 lbs of Latex Paint
1,750 lbs of Pesticides
5 lbs of Asbestos
42 lbs of Fluorescent Bulbs

7,850 lbs of Automotive Batteries
900 lbs of Aerosols
125 lbs of Flammable Liquids

2010

150 lbs of Alkaline & Nickel Cad batteries (for recycling)
20 lbs of Lithium Batteries
9,601 lbs of Electronic Waste
775 lbs of Chemicals and Acids
5 lbs of Mercury (for recycling)
1500 lbs of Resins, Tar and Greases
3,150 lbs of Oil Based Paint & Stains
4,350 lbs of Latex Paint
880 lbs of Pesticides
2,177 lbs of Automotive Batteries
360 lbs of Aerosols
2,400 lbs of Flammable Liquids
10 lbs of Road Flares

Building on the incredible success from the last two Household Hazardous Waste Collection (HHWC) "one day" events we are proposing an ongoing year round collection option at the county transfer station.

This would be a pilot project to develop an understanding of the costs and quantities on an annual, on-going basis. With this pilot project we will be able to determine the sustainability of the program in terms of fees or subsidies that may be required for future operation.

The benefits of on-going daily collections of household hazardous waste provides for the needs of the population to properly and more readily dispose of unwanted hazardous products. "If you build it they will come"!

During this pilot project we will be exploring project sustainability, a fee based structure, other potential grant funding and studying the logistical issues associated with this project.

<p>Project Description</p>	<p>Project objectives include the following:</p> <ul style="list-style-type: none"> • Mitigate the inappropriate disposal of chemicals • Provide a system for the collection and disposal of hazardous chemicals and products • Provide for the recycling of certain chemicals and products <p>Project implementation tasks:</p> <p>Utilizing CDPHE Publication: <u>Guidelines for Developing Exempt Small Quantity Generator/Household Hazardous Waste (CESQG/HHW) and CESQG-only Waste Consolidation Facilities</u> Clear Creek County Solid Waste Department will</p> <ul style="list-style-type: none"> • Prepare a Design and Operations plan for the consolidation, recycling and/or ultimate disposal of Household Hazardous Waste • Have the Plan reviewed by CDPHE • Present the Plan to the Clear Creek County Board of County Commissioners for permitting • Construct needed improvements to the Transfer Station site • Train staff • Acquire personal protective equipment and tools • Develop a public outreach program • Hire the Collection/Disposal (Recycle) Contractor for a minimum of one collection <p>Need for the project in the community:</p> <p>This project would benefit the community by providing the following benefits:</p> <ul style="list-style-type: none"> • Source Water Protection • Aquatic life protection • Reduce the potential for explosive chemical fires in homes, garages and storage structures <p>Availability of other similar services or projects in the area:</p> <p>There are currently no other similar projects in Clear Creek County.</p>				
<p>Expected Environmental and/or Public Health Benefits</p>	<p>This project is primarily directed to protect source water for all users within the Clear Creek Watershed and should result in a significant quantitative decrease in the inappropriate disposal of hazardous waste chemicals and products.</p>				
<p>Project Budget (Detail on attached sheet)</p>	<p>Budget Category</p>	<p>Detailed Description</p>	<p>SEP Funds</p>	<p>Clear Creek County/ CCWF Contribution</p>	
	<p>Design and Operations Plan</p>	<p>Plan development, review and approval</p>	<p></p>	<p>\$1,000</p>	

ATTACHMENT B

	Materials and Supplies, Site Improvements	Tools, Personal Protective Equipment		\$17,735	
	Major Equipment	2 40ft ConX Watertight Storage Containers	\$7,000		
	Contractors/ Subcontractors	Clean Harbors Environmental	\$13,000	\$ 930	
	Other Direct Costs (please describe)	Public Information Outreach		\$1,000	
	Total:		\$20,000	\$20,665	
Budget Discussion	<p>Funding for this pilot project is through a combination of SEP funds (\$20,000); a contribution from Clear Creek County for staff, a contribution from Clear Creek County related to D&O Plan Development and for site improvements, training and equipment; and support from the Clear Creek Watershed Foundation for the Public Information Outreach campaign for printing needs. The LEPC will be seeking contributions for this pilot project through the various resources that previously supported the HHWC days in 2009 & 2010. The total cost of the pilot project is \$40,665.</p>				
Project Schedule	SEP Donation from Regulated Entity to Third Party SEP Administrator:	Within 30 days of the effective date of the Settlement Agreement			
	Proposed Project Start Date:	January 2011			
	Collection/Disposal Completion	1 time within calendar year 2011			
	Projected Completion Date:	December 31, 2011			
	SEP Completion Report Due to CDPHE:	January 31, 2012			
Other Relevant Information	<p>There are no local, state or federal requirements that could be invoked to force this project. As shown in the past there has been substantial participation from residents to properly dispose of household hazardous wastes. This pilot project will provide a readily available process to continue their efforts. There is significant support for this project as shown in the attached letters.</p>				
Reporting Requirements	<p><u><i>Final SEP Completion Report</i></u></p> <p><i>The SEP Completion report will be submitted within 30 days of project completion and contain at a minimum:</i></p> <ul style="list-style-type: none"> • <i>The Approved Design and Operations Plan</i> • <i>A detailed description of the project as implemented;</i> • <i>A summary table identifying project deliverables and tasks along with the associated completion date;</i> • <i>A description of any operating problems encountered and the solutions thereto;</i> 				

ATTACHMENT B

	<ul style="list-style-type: none">• <i>A full expense accounting including itemized costs, documented by copies of purchase orders, contracts, receipts or canceled checks;</i>• <i>Certification and demonstration that the SEP has been fully implemented pursuant to the provisions of the Settlement Agreement and this SEP Agreement;</i>• <i>A description of the environmental and public health benefits resulting from implementation of the SEP along with quantification of the outcomes and benefits;</i>• <i>Copies of brochures, educational or outreach materials developed or produced as part of the SEP (if applicable); and</i>• <i>Photographs documenting the project.</i>

ATTACHMENT B

Household Hazardous Waste Pilot Program Costs

Clean Harbors Quotation

DISPOSAL	Qty	UOM	Price	Total	
Labpack for aqueous treatment		2 drum	\$ 205	\$ 410	
Labpack for incineration		2 drum	\$ 225	\$ 450	
RCRA Exempt Consolidated Solvents		7 drum	\$ 90	\$ 630	
Exempt bulk paints and resins from consolidation		7 drum	\$ 100	\$ 700	
RCRA Exempt mixed aerosols		5 drum	\$ 195	\$ 975	
RCRA Exempt pesticide liquids in consumer packaging		3 drum	\$ 225	\$ 675	
RCRA Exempt pesticide solids in consumer packaging		2 drum	\$ 225	\$ 450	
Consolidated latex and alkyd paint for reclamation		8 drum	\$ 160	\$ 1,280	
Non-processable paints, resins, adhesives in cans		1 bin	\$ 300	\$ 300	
Obsolete equipment for dismantling		15 pallet	\$ 250	\$ 3,750	
LABOR, SUPPLIES, EQUIPMENT					
Chemist		8 hours	\$ 49	\$ 392	
30 gal. drum		1 each	\$ 30	\$ 30	
55 gal. drum - steel		25 each	\$ 40	\$ 1,000	
55 gal. drum - poly		14 each	\$ 40	\$ 560	
Flexbin - 1 cubic yard		1 each	\$ 70	\$ 70	
TRANSPORTATION					
Pick-up charge		1 each	\$ 750	\$ 750	
SUBTOTAL				<u>\$ 12,422</u>	
Recovery fee (12%)		1 each	\$ -	\$ 1,491	
Waste fee		1 each	\$ 17	\$ 17	
TOTAL PER SHIPMENT				<u><u>\$ 13,930</u></u>	\$ 13,930
 ADDITIONAL COSTS (One Time)					
ConX Containers		2 each	\$ 3,500	\$ 7,000	
Containment area: concrete/asphalt pad w/stem walls for secondary containment		1 each	\$ 10,300	\$ 10,300	
Scale (to implement max. weight pricing schedule)		1 each	\$ 1,710	\$ 1,710	
OSHA 40-hour Hazwoper Training		5 each	\$ 695	\$ 3,475	
Personal Protective Equipment		1 each	\$ 1,000	\$ 1,000	
Signage		2 each	\$ 375	\$ 750	
Tools (estimate)				\$ 500	
Public Outreach				\$ 1,000	
Design and Operations Plan Development				\$ 1,000	
TOTAL ONE TIME ADDITIONAL COSTS				<u><u>\$ 26,735</u></u>	\$ 26,735
 TOTAL PROJECT COSTS FOR 2011					 \$ 40,665
 CONTRIBUTIONS					
SEP Funds					\$ (20,000)
In-Kind Donation from CC WF (Public Outreach)					<u>\$ (1,000)</u>
 Additional Cost to County General Fund					 <u><u>\$ 19,665</u></u>