



COLORADO

Department of Public
Health & Environment

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

April 1, 2015

Joann Flaschenriem, Registered Agent
M & J Dairy, LLC
3400 HWY 60
Loveland, CO 80537

Certified Mail Number: 7002 2410 0001 0130 4339

RE: Service of Notice of Violation/Cease and Desist Order, Number: CO-150401-1

Dear Ms. Flaschenriem:

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

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

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

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



Should you or representatives of M & J Dairy, LLC desire to discuss this matter informally with the Division, or if you have any questions regarding the NOV/CDO, please do not hesitate to contact Christy Pickens by phone at (303) 692-3584 or by electronic mail at christy.pickens@state.co.us.

Sincerely,



Christy Pickens, Enforcement Specialist
Clean Water Enforcement Unit
WATER QUALITY CONTROL DIVISION

Enclosure(s)

cc: Enforcement File

ec: Natasha Davis, EPA Region VIII
Lauren Light, Manager Environmental Health Services, Weld County
Dick Parachini, Watershed Section, CDPHE
Michael Beck, Grants and Loans Unit, CDPHE
Christy Pickens, Compliance & Enforcement Unit, CDPHE
Tania Watson, Compliance Assurance, CDPHE
Chad DeVolin, Environmental Agriculture Program, CDPHE



COLORADO

Department of Public Health & Environment

WATER QUALITY CONTROL DIVISION

NOTICE OF VIOLATION / CEASE AND DESIST / CLEAN-UP ORDER NUMBER: CO-150401-1

IN THE MATTER OF: M & J DAIRY, LLC
 UNPERMITTED
 WELD COUNTY, COLORADO

Pursuant to the authority vested in the Colorado Department of Public Health and Environment's (the "Department") Division of Administration by §§25-1-109 and 25-8-302, C.R.S., which authority is implemented through the Department's Water Quality Control Division (the "Division"), and pursuant to §§25-8-602, 25-8-605, and 25-8-606, C.R.S., the Division hereby makes the following Findings of Fact and issues the following Notice of Violation / Cease and Desist Order / Clean up Order:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. At all times relevant to the violations cited herein, M & J Dairy, LLC ("M & J Dairy") was a Colorado limited liability company in good standing.
2. M & J Dairy 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).
3. M & J Dairy owns and/or operates the M & J Dairy- Kersey facility located at approximately 25460 Weld County Road 49, near the City of Greeley, Weld County, Colorado (the "Facility"). The Facility is a concentrated animal feeding operation ("CAFO") as defined by 5 CCR 1002-61, §61.2(17) and 5 CCR 1002-81, §81.3(6).
4. Department records establish that the Facility has the capacity to stable or confine 4,000 mature dairy cows and 2,400 heifers.
5. Department records establish that the Facility confines approximately 6,205 animals, and therefore is a large CAFO as defined by 5 CCR 1002-61, §61.2(51) and 5 CCR 1002-81, §81.3(16). The Facility is currently registered with the Department as a CAFO under registration number CONPCO311 (the "Registration").
6. The Facility is comprised of three main areas:
 - a. The main production area at the southwestern portion of the property that includes:
 - i. the animal confinement area (freestall barn and milking parlor and an outside animal confinement area);

- ii. the manure and residual solids storage areas (compost barn, manure stockpiling area, flush collection pit);
 - iii. the raw materials storage area (feed storage area); and
 - iv. an earthen lined impoundment (Pond 1).
 - b. An unnamed drainage and wetland area that runs south to northwest across the centerline of the property; and
 - c. Calf barns on the eastern and northeastern portions of the property.
7. The Latham Ditch runs to the north of the Facility and travels in an easterly direction, eventually terminating in the South Platte River. The Gilmore Ditch borders the Facility to the south.
 8. The Facility was designed to capture and collect wastewater generated in the production area and convey that wastewater to the earthen lined impoundment (Pond 1). Process wastewater generated from the milking parlor drains to a flush collection pit which is then piped to the weeping wall separators and eventually flows into Pond 1. Process wastewater generated from the freestall barn drains to a slurry pit which is piped to the weeping wall separators and eventually flows into Pond 1. Open-lot wastewater from the outside animal confinement areas, compost barn, manure stockpiling area, and feed storage area drains to an unlined earthen ditch that runs along the north-eastern and eastern edge of the production area which conveys the wastewater to Pond 1. Solids from the freestall barn are collected utilizing a vacuum truck and transferred to one of the manure storage areas.
 9. Pursuant to the Department's authority under §25-8-306 C.R.S., the Department's Environmental Agriculture Program ("Department EAP") staff conducted inspections of the Facility on July 17, 2014, July, 29, 2014, July 31, 2014, August 11, 2014, and August 18, 2014 to determine M & J Dairy's compliance with the Water Quality Control Act.

Discharge without a Permit

10. Pursuant to §25-8-501(1), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.17(2)(b), any discharge to surface waters from a CAFO requires a permit, except those that are agricultural storm water discharges as defined in 5 CCR 1002-61, §61.17(2)(c).
11. Pursuant to 5 CCR 1002-81, §81.5(1)(a), there shall be no discharge of manure or wastewater from the production area of a large CAFO to waters of the U.S. without a discharge permit.
12. On June 17, 2014, the Department's EAP received a complaint regarding an alleged discharge of manure and process wastewater from the Facility to the Latham Ditch. On the same day, Department EAP staff inspected the Facility and observed that manure and process wastewater from the production area had breached a diversion berm on the north end of the production area and had flowed into the unnamed drainage and wetland area. The manure and process wastewater flowed along the natural flow path of the unnamed drainage to the northwest corner of the Facility. This manure and process wastewater subsequently flowed under Weld County Road ("WCR") 54 via a culvert to a borrow ditch alongside WCR 54¼. Department EAP staff also observed manure and process wastewater ponding in an unlined, unauthorized, low-lying impounded section at the northwest corner of the Facility as well as in several locations along the unnamed drainage and wetland area.
13. On July 29, 2014, the Department's EAP received a call from the Weld County Department of Public Health and Environment concerning a discharge from the Facility to the Latham Ditch. On the same day, Department EAP staff inspected the Facility and observed that manure and process

wastewater at the Facility was flowing in the same path as previously observed during the June 17, 2014 inspection. Department EAP staff observed that manure and process wastewater from the Facility was again flowing under WCR 54 via a culvert to a borrow ditch alongside WCR 54¼ and was subsequently discharging into the Latham Ditch.

14. During the July 29, 2014 inspection, Department EAP staff took samples of the manure and process wastewater at the location where the manure and process wastewater was discharging from the borrow ditch alongside WCR 54¼ into the Latham Ditch. Laboratory analysis of the samples establishes that the manure and process wastewater discharged from the Facility into the Latham Ditch contained, among other things, total suspended solids, nitrate, ammonia, biological oxygen demand (“BOD”), *E.coli* and total coliform in the following concentrations:

M & J Dairy Discharge DISCHARGE SAMPLE RESULTS FROM JULY 29, 2014 INSPECTION	
PARAMETER	RESULT
Total Suspended Solids	2,000 mg/l
Nitrate (as N)	<1.0 mg/l
Ammonia (as N)	35 mg/l
BOD	150 mg/l
<i>E.Coli</i>	104,620 cfu/ 100 ml
Total Coliform	241,920 cfu/ 100 ml

15. Total suspended solids, nitrate, ammonia, BOD, *E.coli* and total coliform are “pollutants” as defined by §25-8-103(15), C.R.S., its implementing permit regulation, 5 CCR 1002-61, §61.2 (76), and the animal feeding operations control regulation, 5 CCR 1002-81, §81.3(26).
16. The Facility is a “point source” as defined by 5 CCR 1002-61, §61.2(75).
17. The Latham Ditch is “surface water” as defined by 5 CCR 1002-61, §61.2(104) and 5 CCR 1002-81, §81.3(35).
18. The Latham Ditch is “waters of the U.S.” as defined by 5 CCR 1002-81, §81.3(40).
19. The discharge that occurred on July 29, 2014 from the production of the area of the Facility was not an “agricultural storm water discharge” as defined in 5 CCR 1002-61, §61.17(2)(c).
20. Division records establish that M & J Dairy does not have any permits authorizing the discharge of manure or process wastewater from the Facility into the Latham Ditch.
21. M & J Dairy’s discharge of manure and process wastewater to surface water without a permit constitutes violations of §25-8-501(1), C.R.S., 5 CCR 1002-61, §61.17(2)(b), and 5 CCR 1002-81, §81.5(1)(a).

Failure to Properly Operate and Maintain

22. Pursuant to 5 CCR 1002-81, §81.6(1), M & J Dairy is required to develop, document in a Facility Management Plan (“FMP”), and implement the following surface water protection elements:
 - a. Methods to control wastewater: all impoundments must be designed, constructed, and maintained to be capable of storing the volume of all manure and process wastewater, including the runoff resulting from a 25-year, 24-hour storm or chronic storm (whichever is



- greater), plus two (2) feet of freeboard.
- b. Procedures to ensure proper operation and maintenance of the impoundments: whenever the storage capacity of impoundments is less than the volume required to store runoff from the designed storm event, the structures shall be dewatered to a level that restores the required capacity once soils on a land application site have the water holding capacity to receive the wastewater.
23. Pursuant to 5 CCR 1002-81, §81.6(2), M & J Dairy is required to develop, document in the FMP, and implement the following surface water protection elements:
 - a. Practices and procedures for land application sites:
 - i. Apply manure and wastewater to a land application site in accordance with practices to control runoff of pollutants to surface water.
 - ii. Protocols established by the operator for land applying manure or wastewater in accordance with site specific nutrient management practices that ensure appropriate utilization of the nutrients in the manure or wastewater.
 24. During the June 17, 2014, the July 29, 2014, and the July 31, 2014 inspections, Department EAP staff observed M & J Dairy using a honey-wagon to spray process wastewater from the impoundment (Pond 1) to the land throughout the Facility property, including areas along the banks of the unnamed drainage and upper wetland area. Department EAP staff noted that M & J Dairy had not implemented any surface water protection elements for land application sites as required by 5 CCR 1002-81, §81.6(2).
 25. During the June 17, 2014 inspection, Department EAP staff noted that there was less than one (1) foot of freeboard available in the Facility's impoundment (Pond 1) and, therefore, the impoundment was not capable of storing the volume of all manure and process wastewater, including the runoff resulting from a 25-year, 24-hour storm or chronic storm, plus two (2) feet of freeboard as required by 5 CCR 1002-81, §81.6(1)(a)(i)(A).
 26. During the July 29, 2014 inspection, Department EAP staff also noted that the Facility had stockpiled manure in an uncontained area along the southern edge of the Facility.
 27. During the July 31, 2014 inspection, Department EAP staff noted that the impoundment (Pond 1) was at 100 percent capacity and that M & J Dairy was not maintaining the impoundment (Pond 1) to ensure that it was capable of storing the volume of all manure and wastewater, including the runoff resulting from a 25-year, 24-hour storm or chronic storm, plus two feet of freeboard, as required by 5 CCR 1002-81, §81.6(1)(a)(i)(A). Department EAP staff also observed uncontained manure stockpiles near the calf barns on the eastern and northeastern portions of the property.
 28. During the August 11, 2014 and August 18, 2014 inspections, Department EAP staff observed M & J Dairy using a honey-wagon to spray process wastewater from the impoundment (Pond 1) to the land throughout the Facility property. Department EAP staff noted that M & J Dairy had not implemented any surface water protection elements for land application sites as required by 5 CCR 1002-81, §81.6(2) and that the native vegetation appeared to have been damaged by the land application activities. Department EAP staff also observed areas where process wastewater was land applied and had ponded, presumably because the land application of process wastewater exceeded the capacity of the soil and vegetation.
 29. During the August 11, 2014 and August 18, 2014 inspections, Department EAP staff again observed uncontained manure stockpiles near the unoccupied calf barns on the eastern and northeastern portions of the property.

30. During the August 11, 2014 inspection, Department EAP staff also noted that the impoundment (Pond 1) was still above the required pump-down level and had less than two (2) feet of freeboard and, therefore, was not capable of storing the volume of all manure and process wastewater, including the runoff resulting from a 25-year, 24-hour storm or chronic storm, plus two (2) feet of freeboard as required by 5 CCR 1002-81, §81.6(1)(a)(i)(A).
31. On November 1, 2014, Department EAP staff received a pre-land application analysis from M & J Dairy dated August 21, 2014 which included nutrient concentration data from samples of Facility soil and manure and process wastewater, identification of crop nutrient needs, and M & J Dairy's calculated liquid application rate of 13,072 gallons per acre, for a total allowable application of 3,124,208 gallons of manure and process wastewater.
32. M & J Dairy's November 1, 2014 submittal also included a summary of land application events that occurred at the Facility from July 25, 2014 through October 23, 2014. The records establish that by September 12, 2014, M & J Dairy had land applied a total of 3,158,400 gallons of manure and process wastewater and therefore exceeded the total allowable application of manure and process wastewater on or before that date (note that the land application records did not account for land application events that took place prior to July 25, 2014). The records further establish that M & J Dairy continued to land apply manure and process wastewater in excess of the allowable amount after September 12, 2014.
33. M & J Dairy's failure to maintain the impoundment (Pond 1) to ensure adequate storage capacity, as identified in paragraphs 25, 27, and 30 above, constitutes violations of 5 CCR 1002-81, §81.6(1)(a)(i)(A).
34. M & J Dairy's failure to apply manure and process wastewater to the land in accordance with practices and procedures to protect surface water, as identified in paragraphs 24, 28, and 32 above, constitutes violations of 5 CCR 1002-81, §81.6(2).

NOTICE OF VIOLATION

35. Based on the foregoing Findings of Fact and Conclusions of Law, you are hereby notified that the Division has determined M & J Dairy has violated the following sections of the Colorado Water Quality Control Act and its implementing permit and control regulations.

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

5 CCR 1002-61, §61.17(2)(b), which states in part, "Any discharge from a CAFO requires a permit except those that are agricultural storm water discharges as defined in §61.17(2)(c). The owner or operator of a CAFO must seek coverage under a permit if the CAFO discharges to surface water. Specifically, the CAFO owner or operator must either apply for an individual permit or submit a notice of intent for coverage under a general permit."

5 CCR 1002-81, §81.5(1)(a), which states, "There shall be no discharge of manure or wastewater from the production area to waters of the U.S. without a discharge permit."

5 CCR 1002-81, §81.6(1)(a)(i)(A), which states in part, “All impoundments must be designed, constructed, and maintained to be capable of storing, the volume of all manure and wastewater, including the runoff resulting from a 25-year, 24-hour storm or Chronic Storm, whichever is greater, plus two feet of freeboard...”

5 CCR 1002-81, §81.6(2), which states in part, “The operator of a non-permitted Large CAFO shall... implement the following practices and procedures for land application sites...” which include applying manure and wastewater in accordance with site-specific conservation practices, minimizing nutrient transport from the site to surface water, and complying with setback requirements.

REQUIRED CORRECTIVE ACTION

Based upon the foregoing factual and legal determinations and pursuant to §25-8-602, §25-8-605, and §25-8-606 C.R.S., M & J Dairy is hereby ordered to:

36. Cease and desist from all violations of the Colorado Water Quality Control Act, §§25-8-101 through 25-8-803, C.R.S., and its implementing regulations promulgated thereto.

Furthermore, the Division hereby orders M & J Dairy to comply with the following specific terms and conditions of this Order:

37. M & J Dairy shall immediately initiate measures to cease all unauthorized discharges of pollutants from the Facility to surface water.
38. By no later than April 1, 2015, M & J Dairy shall prepare and submit a complete permit application in order to obtain coverage under a Colorado Discharge Permit System permit.
39. Within thirty (30) calendar days of receipt of this Order, M & J Dairy shall retain the services of a qualified individual or entity, such as an individual experienced in hydrology or habitat restoration, to perform an investigation to determine the nature and extent of the surface water, groundwater, and soil contamination as a result of the discharge of pollutants from the Facility into surface water and groundwater, as well as areas impacted by land application, including: the unnamed drainage and wetland area, the low-lying impounded section in the northwest corner of the Facility, the borrow ditch alongside WCR 54 ¼, the Latham Ditch, and areas where M & J Dairy land applied process wastewater. The investigation shall include, at a minimum:
 - a. A determination of the geologic and hydrologic characteristics of the site, including but not limited to; depth to ground water, groundwater wells located within one (1) mile of the Facility, characteristics of the unnamed drainage and wetland area, influence of the Gilmore Ditch on site hydrology, soil types, and nitrogen and phosphorus concentrations of the soil within the Facility property; and
 - b. A determination of the toxicity, mobility, and persistence in the environment of all pollutants discharged from the Facility (including to the land).
40. Within ninety (90) calendar days of receipt this Order, M & J Dairy shall submit a report outlining the findings from the evaluation identified in paragraph 39. The report shall also identify a plan for remediating impacted areas, if applicable and necessary, and a time schedule for initiating and completing all remedial activities of the impacted areas. The submitted plan and time schedule shall become a condition of this Order and M & J Dairy shall comply with the plan and time

schedule as submitted unless notified by the Division, in writing, that an alternate plan or schedule is appropriate. If the Division imposes an alternate plan or schedule, it shall become a condition of this Order. Within fifteen (15) calendar days of completing the remediation activities (if applicable), M & J Dairy shall submit a final report to the Division outlining M & J Dairy's remedial actions and evidence that the actions resulted in fulfillment of the plan or alternate plan, as applicable.

41. M & J Dairy shall notify the Division, as soon as M & J Dairy have knowledge thereof, of any spills or discharges from the Facility that may cause pollution of waters of the state in accordance with §25-8-601(2), C.R.S. M & J Dairy shall also mitigate the effects of such spills or discharges. Within thirty (30) calendar days of receipt of this Order, M & J Dairy shall submit a written certification to the Division stating that it has completed the review of the spill reporting requirements with its responsible staff and has implemented measures to ensure compliance with spill reporting requirements and has implemented a plan to mitigate the effects of such spills, as appropriate.
42. M & J Dairy shall submit monthly progress reports to the Division outlining efforts taken to achieve and maintain compliance with this Order. The first report shall be submitted to the Division on or before August 31, 2015. At a minimum, each report shall outline activities completed in the previous month and planned activities for the next month to remain in compliance with this Order. The monthly progress reports shall be required until the issuance of written notice from the Division indicating that the reports are no longer necessary.
43. If M & J Dairy becomes aware of any situation or circumstances that cause M & J Dairy to become unable to comply with any condition or time schedules set forth by this Order, M & J Dairy shall provide written notice to the Division within five (5) calendar days of M & J Dairy becoming aware of such circumstances. M & J Dairy's notice shall describe what, if any, impacts will occur on M & J Dairy's ability to comply with the Colorado Water Quality Control Act and its implementing regulations, and any impacts on the remaining conditions and/or time schedules specified by this Order, and what steps are being taken to mitigate the impacts.
44. All documents submitted under this Order shall use the same titles as stated in this Order, and shall reference both the number of this Order and the number of the paragraph pursuant to which the document is required. Within thirty (30) calendar days of receiving Division comments on submitted documents, M & J Dairy shall revise the submitted document(s) to properly address the Division's comments and resubmit the document(s) for Division review.

NOTICES AND SUBMITTALS

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

Christy Pickens
Colorado Department of Public Health and Environment
Water Quality Control Division
Mail Code: WQCD-CWE-B2
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530
Telephone: (303) 692-3584
Email: christy.pickens@state.co.us

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

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

OBLIGATION TO ANSWER AND REQUEST FOR HEARING

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

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

FALSIFICATION AND TAMPERING

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

POTENTIAL CIVIL AND CRIMINAL PENALTIES

You are also advised that any person who violates any provision of the Colorado Water Quality Control Act (the “Act”), §§25-8-101 to 803, C.R.S., or of any permit issued under the Act, or any control regulation promulgated pursuant to the Act, or any final cease and desist order or clean-up order issued by the Division shall be subject to a civil penalty of not more than ten thousand dollars per day for each day during which such violation occurs. Further, any person who recklessly, knowingly, intentionally, or with criminal negligence discharges any pollutant into any state waters commits criminal pollution if such discharge is made without a permit, if a permit is required by the Act for

such discharge, or if such discharge is made in violation of any permit issued under the Act or in violation of any Cease and Desist Order or Clean-up Order issued by the Division. By virtue of issuing this Notice of Violation / Cease and Desist Order/ Clean-up Order, the State has not waived its right to bring an action for penalties under §§25-8-608 and 609, C.R.S, and may bring such action in the future.

RELEASE OR DISCHARGE NOTIFICATION

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

EFFECT OF ORDER

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

For further clarification of your rights and obligations under this Notice of Violation / Cease and Desist Order / Clean-up Order you are advised to consult the Colorado Water Quality Control Act, §§25-8-101 to 803, C.R.S., and regulations promulgated thereunder, 5 CCR 1002.

Issued at Denver, Colorado, this 31st day of March, 2015.

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT



Patrick J. Pfaltzgraff, Director
WATER QUALITY CONTROL DIVISION

