

STATE OF COLORADO

John W. Hickenlooper, Governor
Larry Wolk, MD, MSPH
Executive Director and Chief Medical Officer

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

February 12, 2014

Certified Mail Number: 7012 1640 0000 0801 9472

William Warren, President
Galeton Water and Sanitation District
PO Box 331
Galeton, CO 80622

RE: Service of Notice of Violation/Cease and Desist Order, Number: DO-140212-1

Dear Mr. Warren:

Galeton Water and Sanitation District 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 Galeton Water and Sanitation District has violated the Act and/or permit or control regulations promulgated pursuant to the Act and/or a permit, as described in the enclosed NOV/CDO.

Pursuant to §25-8-603, C.R.S., Galeton Water and Sanitation District 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 Galeton Water and Sanitation District desire to discuss the NOV/CDO with the Division, or if you have any questions regarding NOV/CDO, please don't hesitate to contact Eric T. Mink at (303) 692-2312 or by electronic mail at eric.mink@state.co.us.

Sincerely,



Eric T. Mink, Enforcement Specialist
Clean Water Compliance & Enforcement Unit
WATER QUALITY CONTROL DIVISION

Enclosure(s)

cc: Enforcement File

cc: Natasha Davis, EPA Region VIII
Debbie Drew, Weld County Dept of Public Health & Environment
Nicole Rowan, Watershed Section, CDPHE
Michael Beck, Grants and Loans Unit, CDPHE
Doug Camrud, Engineering Section, CDPHE
Kelly Jacques, Field Services Section, CDPHE
Erin Scott, Permits Section, CDPHE
Eric T. Mink, Compliance & Enforcement Unit, CDPHE
Tania Watson, Compliance & Enforcement Unit, CDPHE
Barry Cress, DOLA



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

NOTICE OF VIOLATION / CEASE AND DESIST ORDER

NUMBER: DO-140212-1

IN THE MATTER OF: GALETON WATER AND SANITATION DISTRICT
 CDPS PERMIT NO. CO0043320
 WELD COUNTY, COLORADO

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. At all times relevant to the violations cited herein, Galeton Water and Sanitation District ("Galeton WSD") was a "Special District" formed in Weld County, Colorado pursuant to the Special District Act, §§32-1-101 *et seq* and 32-4-501 *et seq*, C.R.S.
2. Galeton WSD 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. Galeton WSD owns and/or operates the Galeton wastewater treatment plant, located at 40° 30.977' N and 104° 35.019' W, near the Town of Galeton, Weld County, Colorado (the "Facility").
4. The Facility consists of two aerated lagoons and a chlorine contact basin. The Facility was designed with the capacity to accept and treat an average flow of 0.0185 million gallons per day (MGD) and organic loading of 38.5 pounds 5-day biological oxygen demand (BOD₅) per day.
5. The Facility is the subject of the Colorado Discharge Permit System, Permit No. CO-0043320 (the "Permit"). The current Permit became effective on May 1, 2007 and expired on April 30, 2012. The Permit has been administratively continued pending permit reissuance.
6. The Permit authorizes Galeton WSD to discharge treated wastewater from the Facility through Outfall 001A, following the chlorine contact basin, into Willow Creek. Outfall 001A is physically located at approximately 40° 30.973' N and 104° 35.017' W, and is the only discharge outfall authorized by the Permit. The discharge is subject to the specific effluent limitations and other conditions of the Permit.

The Permit includes requirements to monitor influent loading to the Facility at a representative point prior to lagoon number one, which is designated in the Permit as Outfall 300I.

7. Pursuant to 5 CCR 1002-61, §61.8, Galeton WSD must comply with all the terms and conditions of the Permit, and violations of such terms and conditions as specified in the Permit may be subject to civil and criminal liability pursuant to §§25-8-601 through 25-8-612, C.R.S.

Failure to Comply with Permit Effluent Limitations

8. Pursuant to Part I.A.5. of the Permit, Galeton WSD’s effluent at Outfall 001A shall not exceed, among others not subject of this action, the effluent discharge limitations specified below:

Galeton Water and Sanitation District DISCHARGE LIMITATIONS			
EFFLUENT PARAMETER	30- DAY AVERAGE	7-DAY AVERAGE	DAILY MAXIMUM
Flow, MGD	0.0185	NA	Report
BOD ₅ , mg/l	30	45	NA
Total Suspended Solids (TSS), mg/l	75	110	NA
Total Residual Chlorine (TRC), mg/l			
Through March 31, 2010	Report	NA	0.5
Beginning April 1, 2010	0.011	NA	0.019
Total Ammonia as N, mg/l			
Through March 31, 2010	Report	NA	Report
Beginning April 1, 2010			
January	12	NA	12
February	10	NA	11
March	5.1	NA	6.8
April	3.2	NA	5.4
May	3.0	NA	6.8
June	3.3	NA	9.2
July	2.2	NA	7.9
August	1.9	NA	6.3
September	2.4	NA	7.1
October	4.4	NA	9.7
November	6.3	NA	10.0
December	6.8	NA	8.7

9. Pursuant to Part I.B.2. of the Permit, Galeton WSD is required to monitor defined effluent parameters at specified frequencies in order to provide an indication of compliance or non-compliance with the effluent limitations of the Permit.
10. Pursuant to Part I.D.2. of the Permit, Galeton WSD is required to summarize and report the analytical results of its effluent monitoring to the Division via monthly Discharge Monitoring Report forms (“DMRs”). Each DMR is to include a certification by Galeton WSD that the information provided therein is true, accurate and complete to the knowledge and belief of Galeton WSD.

11. Galeton WSD's DMRs submitted for Outfall 001A for the monitoring periods between February 2009 and November 2013 include, among other information and data, the following effluent concentration summary data which exceeded the limitations listed in Part I.A.5. of the permit:

Galeton Water and Sanitation District EFFLUENT SELF-MONITORING DATA		
DISCHARGE MONITORING REPORTING PERIOD	SAMPLE MEASUREMENTS FOR OUTFALL 001A	
FLOW	30 DAY AVG. LIMIT= 0.0185 MGD	DAILY MAX LIMIT= Report MGD
August 1 – August 31, 2009	0.0211	--
January 1 – January 31, 2012	0.02	--
February 1 – February 29, 2012	0.02	--
BOD₅	30 DAY AVG. LIMIT= 30 mg/l	7 DAY AVG. LIMIT = 45 mg/l
February 1 – February 28, 2009	41	--
February 1 – February 28, 2011	34	--
February 1 – February 29, 2012	36	--
May 1 – May 31, 2012	55	100
April 1 – April 30, 2013	--	68
TSS	30 DAY AVG. LIMIT= 75 mg/l	7 DAY AVG. LIMIT = 110 mg/l
April 1 – April 30, 2013	80.2	329
TRC	30 DAY AVG. LIMIT= 0.011 mg/l	DAILY MAX LIMIT= 0.019 mg/l
April 1 – April 30, 2010	0.04	0.05
May 1 – May 31, 2010	0.04	0.06
June 1 – June 30, 2010	0.04	0.06
July 1 – July 31, 2010	0.03	0.05
August 1 – August 31, 2010	0.03	0.04
September 1 – September 30, 2010	0.07	0.1
October 1 – October 31, 2010	0.04	0.05
November 1 – November 30, 2010	0.04	0.11
December 1 – December 30, 2010	0.06	0.09
January 1 – January 31, 2011	0.04	0.1

**Galeton Water and Sanitation District
EFFLUENT SELF-MONITORING DATA**

DISCHARGE MONITORING REPORTING PERIOD	SAMPLE MEASUREMENTS FOR OUTFALL 001A	
TRC	30 DAY AVG. LIMIT= 0.011 mg/l	DAILY MAX LIMIT= 0.019 mg/l
February 1 – February 28, 2011	0.07	0.12
March 1 – March 31, 2011	0.03	0.05
April 1 – April 30, 2011	0.04	0.08
TOTAL AMMONIA as N		
	30 DAY AVG. LIMIT= 12 mg/l	DAILY MAX LIMIT= 12 mg/l
January 1 – January 31, 2011	30	30
January 1 – January 31, 2012	37.1	37.1
January 1 – January 31, 2013	31.1	31.1
	30 DAY AVG. LIMIT= 10 mg/l	DAILY MAX LIMIT= 11 mg/l
February 1 – February 28, 2011	34	34
February 1 – February 29, 2012	35.9	35.9
February 1 – February 28, 2013	37.2	37.2
	30 DAY AVG. LIMIT= 5.1 mg/l	DAILY MAX LIMIT= 6.8 mg/l
March 1 – March 31, 2011	34	35
March 1 – March 31, 2012	38.7	38.7
March 1 – March 31, 2013	37.6	37.6
	30 DAY AVG. LIMIT= 3.2 mg/l	DAILY MAX LIMIT= 5.4 mg/l
April 1 – April 30, 2010	25.7	25.7
April 1 – April 30, 2011	30	30
April 1 – April 30, 2012	40.4	40.4
April 1 – April 30, 2013	35	35
	30 DAY AVG. LIMIT= 3.0 mg/l	DAILY MAX LIMIT= 6.8 mg/l
May 1 – May 31, 2010	24.6	24.6
May 1 – May 31, 2011	20	14.3
May 1 – May 31, 2012	14.3	20
May 1 – May 31, 2013	20.7	20.7
	30 DAY AVG. LIMIT= 3.3 mg/l	DAILY MAX LIMIT= 9.2 mg/l
June 1 – June 30, 2012	6.41	--
June 1 – June 30, 2013	7.59	--
	30 DAY AVG. LIMIT= 2.2 mg/l	DAILY MAX LIMIT= 7.9 mg/l
July 1 – July 31, 2011	10.8	11.1
July 1 – July 31, 2012	3.75	8.81
July 1 – July 31, 2013	2.93	--
	30 DAY AVG. LIMIT= 1.9 mg/l	DAILY MAX LIMIT= 6.3 mg/l
August 1 – August 31, 2011	5.9	--

Galeton Water and Sanitation District EFFLUENT SELF-MONITORING DATA		
DISCHARGE MONITORING REPORTING PERIOD	SAMPLE MEASUREMENTS FOR OUTFALL 001A	
TOTAL AMMONIA as N		
	30 DAY AVG. LIMIT= 2.4 mg/l	DAILY MAX LIMIT= 7.1 mg/l
September 1 – September 30, 2010	2.47	--
September 1 – September 30, 2011	4.8	--
September 1 – September 30, 2013	13.2	13.2
	30 DAY AVG. LIMIT= 4.4 mg/l	DAILY MAX LIMIT= 9.7 mg/l
October 1 – October 31, 2013	19.4	19.9
	30 DAY AVG. LIMIT= 6.3 mg/l	DAILY MAX LIMIT= 10.0 mg/l
November 1 – November 30, 2011	10.3	12.2
November 1 – November 30, 2012	10.4	13
November 1 – November 30, 2013	21.3	21.3
	30 DAY AVG. LIMIT= 6.8 mg/l	DAILY MAX LIMIT= 8.7 mg/l
December 1 – December 31, 2010	12.6	12.6
December 1 – December 31, 2011	21.5	21.5
December 1 – December 31, 2012	17.6	17.6

12. BOD₅, TSS, total ammonia as nitrogen, and TRC are “pollutants,” or indicators thereof, as defined by §25-8-103(15), C.R.S., and its implementing permit regulation 5 CCR 1002-61, §61.2(76).
13. The Permit does not authorize the pollutant levels identified above in paragraph 11. Division records establish that Galeton WSD does not have any other permit authorizing such discharge into State Waters.
14. Galeton WSD’s failure to comply with the Permit effluent limitations, as identified above in paragraph 11, constitutes violations of Part I.A.5. of the Permit.

Failure to Meet Minimum Percent Removal Requirements

15. Pursuant to Part I.A.6. of the Permit, the arithmetic mean of the BOD₅ concentration for effluent samples collected during the calendar month shall demonstrate a minimum of 85 percent (85%) removal for BOD₅. Pursuant to Part I.D.2. of the Permit, Galeton WSD is required to summarize and report the monthly average BOD₅ percent removal to the Division via monthly DMRs. Each DMR is to include a certification by Galeton WSD that the information provided therein is true, accurate and complete to the knowledge and belief of Galeton WSD.
16. Galeton WSD’s DMRs for the March 2010 and February 2011 monitoring periods include, among other information and data, the following monthly average percent removal summary data, which does not demonstrate a minimum of 85 percent (85%) removal for BOD₅ as required by Part I.A.6. of the Permit:

Galeton Water and Sanitation District REPORTED SELF-MONITORING DATA		
DISCHARGE MONITORING REPORTING PERIOD	OUTFALL NUMBER	SAMPLE MEASUREMENT
BOD₅, % REMOVAL		MONTHLY AVG. MINIMUM REMOVAL REQUIREMENT= 85%
March 1 – March 31, 2010	001A	83
February 1 – February 28, 2011	001A	84

17. Galeton WSD’s failure to demonstrate a monthly average minimum of 85 percent (85%) removal for BOD₅, as identified in above in paragraph 16, constitutes violations of Part I.A.6. of the Permit.

Failure to Adhere to Permit Compliance Schedule

18. Pursuant to Part I.A.7. of the Permit, Galeton WSD was required to comply with the following compliance schedule for construction (if deemed necessary) or other activities necessary to upgrade the Facility’s treatment in order to meet the total ammonia and TRC Permit effluent limitations that became effective on April 1, 2010:

Galeton Water and Sanitation District COMPLIANCE SCHEDULE: ACTIVITIES TO MEET TOTAL AMMONIA AND TRC LIMITATIONS	
ACTIVITY	MILESTONE DATE
1) The permittee shall submit plans and specifications for construction of facilities or activities determined to be necessary to meet the total ammonia and TRC final limits.	October 31, 2007
2) The permittee shall begin implementing the approved plan for construction or other activities such that compliance with the final total ammonia and TRC limitations may be attained.	October 31, 2008
3) The permittee shall submit a progress report summarizing the progress in construction or other activities such that compliance with the final total ammonia and TRC limitations may be attained.	March 31, 2009
4) The permittee shall complete construction of facilities or other appropriate actions, which will allow the permittee to meet the final total ammonia and TRC limitations.	March 31, 2010

19. On January 7, 2009, a representative of the Division (the “Inspector”) conducted an on-site inspection of the Facility pursuant to the Division’s authority under §25-8-306, C.R.S., to determine Galeton WSD’s compliance with the Water Quality Control Act and the Permit. During the inspection, the Inspector interviewed Facility representatives, reviewed the Facility’s records, and performed a physical inspection of the Facility.

20. During the inspection on January 7, 2009, among other findings, the Inspector noted that Galeton WSD had not submitted plans and specifications for construction and had not initiated construction or other activities to ensure compliance with the final total ammonia and TRC limitations, and therefore, Galeton WSD had failed to comply with compliance schedule activities 1 and 2. Further, in a correspondence from Galeton WSD titled "WWTF Compliance Report October 2011" Galeton WSD reported that Galeton WSD had not initiated or completed construction or other activities to ensure compliance with the total ammonia limitations that became effective April 1, 2010. Consequently, as documented above in paragraph 11, Galeton WSD has failed to achieve compliance with the total ammonia limits that became effective April 1, 2010.
21. Pursuant to Part I.A.7. and Part I.D.3.d. of the Permit, Galeton WSD was required to submit the information required by the compliance schedule, reports of progress, and/or written notice of compliance or noncompliance with the compliance schedule requirements by no later than fourteen (14) calendar days following each scheduled date.
22. Division records establish that Galeton WSD failed to submit the information and written reports required by compliance schedule activities 1 through 4, specifically including: plans and specifications for construction; notice that the approved plan for construction or other activities had been initiated; notice that construction was completed; the progress report; and/or the compliance or noncompliance notification required by Part I.A.7. and Part I.D.3.d. of the Permit.
23. Galeton WSD's failure to comply with the compliance schedule to meet the total ammonia and TRC limitations that became effective April 1, 2010, as identified above in paragraph 20, constitutes violations of Part I.A.7. of the Permit.
24. Galeton WSD's failure to submit the information and written reports required by the compliance schedule, as identified above in paragraph 22, constitutes violations of Part I.A.7. and Part I.D.3.d. of the Permit.

Failure to Properly Monitor and Report

25. Pursuant to Part I.B.1. and Part I.C.6. of the Permit, Galeton WSD is required to monitor influent flow at Outfall 300I via continuous flow measuring devices equipped with a chart recorder or totalizer and report the results of the monitoring to the Division via monthly DMRs.
26. Division records, as supplemented by correspondence from Galeton WSD, establish that Galeton WSD failed to monitor influent flow at Outfall 300I via a continuous flow measuring device equipped with a chart recorder or totalizer. Instead, Galeton WSD used effluent flow measurement results obtained from Outfall 001A to report the 30-day average and daily maximum flow values on the DMRs for Outfall 300I for the monthly monitoring periods from January 1, 2009 to November 30, 2013.
27. Galeton WSD's failure to properly monitor and report influent flow, as identified above in paragraph 26, constitutes violations of Part I.B.1. and Part I.C.6. of the Permit.

Failure to Maintain Records

28. Pursuant to Part I.C.4.b. of the Permit, Galeton WSD is required to establish and retain records for a minimum of three (3) years. The records shall include, but are not limited to: the date, type, exact place, and time of sampling or measurements; the individual(s) who performed the sampling or measurements; the date(s) the analysis were performed; the individual(s) who performed the analysis; the analytical techniques or methods used; the results of such analysis; all monitoring information, including all original strip chart recordings for continuous monitoring instrumentation, all calibration and maintenance records; and copies of all reports required by the Permit.
29. During the January 7, 2009 inspection of the Facility, the Division Inspector found that Galeton WSD did not have any calibration records for the effluent flow measuring devices.
30. Galeton WSD's failure to maintain records, as identified above in paragraph 29, constitutes violations of Part I.C.4.b. of the Permit.

NOTICE OF VIOLATION

31. Based on the foregoing Findings of Fact and Conclusions of Law, you are hereby notified that the Division has determined that Galeton WSD has violated the following sections of the Permit.

Part I.A.5. of Permit No. CO-0043320, which states in part: "In accordance with the Water Quality Control Commission Regulations for Effluent Limitations, Section 62.4, and the Colorado Discharge Permit System Regulations, Section 61.8(2), the permitted discharge shall comply with the following limitations."

Part I.A.6. of Permit No. CO-0043320, which states in part: "In addition to the concentration limitations on BOD₅... the arithmetic mean of the BOD₅ concentrations for effluent samples collected during the calendar month shall demonstrate a minimum of eighty-five percent (85%) removal of BOD₅..."

Part I.A.7. of Permit No. CO-0043320, the compliance schedule to meet the total ammonia and TRC effluent limitations effective April 1, 2010:

Galeton Water and Sanitation District COMPLIANCE SCHEDULE: ACTIVITIES TO MEET TOTAL AMMONIA AND TRC LIMITATIONS	
ACTIVITY	MILESTONE DATE
1) The permittee shall submit plans and specifications for construction of facilities or activities determined to be necessary to meet the total ammonia and TRC final limits.	October 31, 2007
2) The permittee shall begin implementing the approved plan for construction or other activities such that compliance with the final total ammonia and TRC limitations may be attained.	October 31, 2008
3) The permittee shall submit a progress report summarizing the progress in construction or other activities such that compliance with the final total ammonia and TRC limitations may be attained.	March 31, 2009
4) The permittee shall complete construction of facilities or other appropriate actions, which will allow the permittee to meet the final total ammonia and TRC limitations.	March 31, 2010

And which states in part: “No later than 14 calendar days following each date identified in the...schedules of compliance, the permittee shall submit either a report of progress or, in the case of specific actions being required by identified dates, a written notice of compliance or noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.”

Part I.B.1. of Permit No. CO-0043320, which states in part: “Regardless of whether or not an effluent discharge occurs and in order to obtain an indication of the current influent loading as compared to the approved capacity specified in Part I, Section A.2., the permittee shall monitor influent parameters at the following required frequencies, the results to be reported on the Discharge Monitoring Report:”

<u>Influent Parameter</u>	<u>Frequency</u>	<u>Sample Type</u>
Flow, MGD	Continuous	Recorder
BOD ₅ , mg/l (lbs/day)	Monthly	Composite
TSS, mg/l	Monthly	Composite

Part I.C.4.b. of Permit No. CO-0043320, which states in part: “The permittee shall retain for a minimum of three (3) years records of all monitoring information, including all original strip chart recordings for continuous monitoring instrumentation, all calibration and maintenance records, copies of all reports required by this permit and records of all data used to complete the application for this permit.”

Part I.C.6. of Permit No. CO-0043320, which states in part: “Flow metering at the headworks shall be provided to give representative values of throughput and treatment of the wastewater system. The metering device shall be equipped with a local flow indication instrument and a flow indication-recording-totalization device suitable for providing permanent flow records...”

Part I.D.3.d. of Permit No. CO-0043320 which states in part: “No later than 14 calendar days following each date identified in the compliance schedules in this permit, the permittee shall submit either a report of progress or, in the case of specific actions being required by identified dates, a written notice of compliance or noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.”

REQUIRED CORRECTIVE ACTION

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

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

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

33. Within forty five (45) calendar days of receipt of this Order, Galeton WSD shall provide documentation that continuous flow measuring devices equipped with a chart recorder or totalizer have been installed at both Outfall 300I (the influent monitoring location) and Outfall 001A (the effluent monitoring location). This documentation shall include calibration records and proof of accuracy of each flow measuring device indicating that each device is capable of measuring values within ten percent (10%) of the actual flow rates. This documentation shall also include schedules and procedures for the ongoing calibration and maintenance of each flow measuring device.
34. Within thirty (30) calendar days of receipt of this Order, Galeton WSD shall retain the services of a professional engineer registered in the State of Colorado and experienced in domestic wastewater treatment to perform an evaluation of the Facility and recommend measures to ensure adequate treatment is provided such that the Facility complies with the terms and conditions of the Permit. The evaluation shall include, but not be limited to:
- a. An evaluation of the Facility’s treatment processes to identify deficiencies in the current design of the Facility. This should include, but not be limited to, an evaluation of the capacity of the current system, and the use and acceptability of the current aeration lagoons and chlorine contact basin;
 - b. An evaluation of the Facility’s current operation and maintenance practices to identify any deficiencies that impact the Facility’s ability to comply with effluent limitations and percent removal requirements and;
 - c. An evaluation, recommendation, and plan for upgrade, improvements, and/or expansion of the Facility, if determined necessary, that will ensure the Facility will reliably and consistently comply with the Permit.

35. Within forty five (45) calendar days of the receipt of this Order, Galeton WSD shall provide documentation to the Division that it has retained the services of the qualified individual or entity described in paragraph 34. The documentation shall include at, a minimum, a copy of the individual

or entity's qualifications and a copy of the written contract or agreement for such services, including a copy of the scope of services to be provided.

36. Within ninety (90) calendar days of receipt of this Order, Galeton WSD shall submit to the Division a report summarizing the results of the engineering evaluation identified above in paragraph 34. The report shall also include a plan and an aggressive time schedule for the implementation of specific interim and long-term measures that Galeton WSD will complete to address the deficiencies identified through the evaluation and to ensure the Facility consistently meets effluent limitations and other terms and conditions of the Permit. This includes a specific plan and time schedule for commencing and completing construction of a treatment expansion and/or upgrades, if necessary. If any of the corrective measures require Division site location and design approval, Galeton WSD shall timely file a completed site location and/or design approval request in accordance with §25-8-702, C.R.S. and 5 CCR 1002-22. Galeton WSD shall not initiate construction until such time as it has obtained the necessary site location and design approval(s) as required by §25-8-702, C.R.S. and 5 CCR 1002-22, or unless otherwise specifically authorized, in writing, by the Division. The submitted plan and time schedule shall become a condition of this Order and Galeton WSD shall implement the plan and time schedule as submitted unless notified by the Division, in writing, that an alternate plan or time schedule is appropriate. If the Division imposes an alternate plan or time schedule, it shall also become a condition of this Order.
37. Galeton WSD shall submit written monthly progress reports to the Division outlining efforts taken to achieve compliance with this Order. The first report shall be submitted to the Division on or before March 31, 2014 and subsequent reports shall be due at the end of every month thereafter. At a minimum, each report shall outline activities completed in the previous month and activities planned for the next month to remain in compliance with this Order. The progress reports shall be required until the issuance of written notice from the Division that the reports are no longer necessary.
38. If Galeton WSD becomes aware of any situation or circumstances that cause Galeton WSD to become unable to comply with any condition or time schedules set forth by this Order, Galeton WSD shall provide written notice to the Division within five (5) calendar days of Galeton WSD becoming aware of such circumstances. Galeton WSD's notice shall describe what, if any, impacts will occur on Galeton WSD's ability to comply with the Colorado Water Quality Control Act 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.
39. All documents submitted under this Order shall be under the signature of Galeton WSD, 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, Galeton WSD shall revise the submitted document(s) to properly address the Division's comments and resubmit the document(s) for Division review.

NOTICES AND SUBMITTALS

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

Colorado Department of Public Health and Environment
Water Quality Control Division / WQCD-CWE-B2
Attention: Eric Mink
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530
Telephone: (303) 692-2312
Email: eric.mink@state.co.us

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

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

OBLIGATION TO ANSWER AND REQUEST FOR HEARING

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

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

FALSIFICATION AND TAMPERING

Be advised, in accord with §25-8-610, C.R.S., that any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Colorado Water Quality Control Act or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this article is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than ten thousand dollars (\$10,000), or by imprisonment in the county jail for not more than six (6) 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 (\$10,000) per day for each day during which such violation occurs. Further, any person who recklessly, knowingly, intentionally, or with criminal negligence discharges any pollutant into any state waters commits criminal pollution if such discharge is made without a permit, if a permit is required by the Act for such discharge, or if such discharge is made in violation of any permit issued under the Act or in violation of any Cease and Desist Order or Clean-up Order issued by the Division. By virtue of issuing this Notice of Violation / Cease and Desist Order, the State has not waived its right to bring an action for penalties under §§25-8-608 and 609, C.R.S, and may bring such action in the future.

RELEASE OR DISCHARGE NOTIFICATION

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

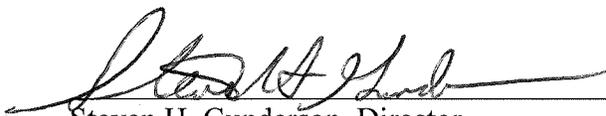
EFFECT OF ORDER

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

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

Issued at Denver, Colorado, this 12th day of February 2014.

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT



Steven H. Gunderson, Director
WATER QUALITY CONTROL DIVISION