

STATE OF COLORADO

John W. Hickenlooper, Governor
Karin McGowan
Interim 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

August 21, 2013

Faith Property Management, Inc., Registered Agent
The Berthoud Estates Community Association
300 E. Boardwalk Drive 6B
Fort Collins, CO 80525

RE: AMENDMENT NUMBER ONE
Notice of Violation/Cease and Desist Order, Number: DO-120221-1

Dear Sir or Madam:

The Colorado Department of Public Health and Environment's Water Quality Control Division (the "Division") issued Notice of Violation/Cease and Desist Order, Number: DO-120221-1 (the "NOV/CDO"), to The Berthoud Estates Community Association ("Berthoud Estates") on February 21, 2012. A copy of the NOV/CDO is attached for your reference.

Paragraph 36 of the NOV/CDO required Berthoud Estates to submit a report that identifies a time schedule and specific short-term and long-term measures that Berthoud Estates will take to ensure that its domestic wastewater treatment facility consistently meets the effluent limitations and other terms and conditions of the Colorado Discharge Permit System General Permit, Number: COG-589000 (the "Permit") and Berthoud Estates' discharge permit certification, Number: COG-589097. Berthoud Estates has determined that the long-term measures necessary to achieve compliance with the Permit include the construction of a new domestic wastewater treatment facility (the "Facility"). Paragraph 36 of the NOV/CDO requires that Berthoud Estates implement the plan and time schedule as submitted unless notified by the Division, in writing, that an alternate plan and time schedule is appropriate. In order to formalize Berthoud Estates' plan and time schedule under paragraph 36 of the NOV/CDO, and to include additional compliance milestones, the Division has determined that an amendment to the NOV/CDO is necessary.

By virtue of this Amendment Number One to the NOV/CDO, the Division hereby amends paragraph 36 of the NOV/CDO to include the following compliance requirements and deadlines:

By March 31, 2014, Berthoud Estates shall submit to the Division an application for Site Location approval for the Facility in accordance with §25-8-702, C.R.S. and 5 CCR 1002-22. By June 30, 2014, Berthoud Estates shall submit to the Division for approval a Process Design Report and final plans and specifications for the Facility in accordance with §25-8-702, C.R.S. and 5 CCR 1002-22.

By October 31, 2014, Berthoud Estates shall start construction of the Division-approved design for the Facility. By October 31, 2015, Berthoud Estates shall complete construction of the Division-approved design for the Facility.

The scope of this Amendment Number One to the NOV/CDO is limited to the provisions and/or conditions outlined above. All other terms, conditions, and requirements of the NOV/CDO remain unchanged and in effect.

Please note that paragraph 38 of the NOV/CDO requires Berthoud Estates to submit written bi-monthly progress reports to the Division outlining Berthoud Estates' activities and efforts taken to achieve and maintain compliance with the NOV/CDO and the Permit. Paragraph 38 of the NOV/CDO states that, at a minimum, each report shall describe the activities undertaken since the last report and shall specify what activities will be undertaken within the next bi-monthly reporting period. **The bi-monthly progress reports should not include alterations to the plan and time schedule documented in paragraph 36 of the NOV/CDO.**

If you have any questions, please contact Michael Harris at (303) 692-3598 or by electronic mail at michael.harris@state.co.us.

Sincerely,



Steven H. Gunderson, Director
WATER QUALITY CONTROL DIVISION

ec: DeAnn Duncan, The Berthoud Estates Community Association
Jon Erickson, Engineering Section, WQCD
Eric Oppelt, Permits Section, WQCD
Alysia Moores, Compliance & Enforcement, WQCD