



**Colorado Discharge Permit System (CDPS)  
 Fact Sheet for Modification 2  
 Permit Number CO0040533  
 City of Creede, Creede Wastewater Treatment Facility  
 MINERAL COUNTY**

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 Public Notice Version  
 10/10/2019**

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**I. TYPE OF PERMIT**

- A. Type of Modification:** Modification 2 - Minor Amendment
- B. Discharge To:** Surface Water

**II. FACILITY INFORMATION**

- A. SIC Code:** 4952 Sewerage Systems
- B. Facility Location:** NW ¼ of S6, T41N, R1E; Mineral County Airport, Creede, CO  
81130  
Latitude: 37.83056° N, Longitude: 106.91777° W
- C. Facility Flows:** 0.56 MGD

**III. SCOPE OF MODIFICATION REQUEST**

The Water Quality Control Division (the division) received on May 7, 2019 a permit modification request from the City of Creede Waste Water Treatment Plant (WWTP), dated May 1, 2019 to extend the compliance schedule on Part I.A.5 (c) of the permit. The compliance schedule addresses Activities to Meet Total Ammonia Final Limitations.

In the application, the permittee included the following information:

“The City of Creede is requesting a permit modification to change compliance schedule item





dates on its discharge permit. For activities to Meet Total Ammonia, the City requests the October 1, 2019 construction progress report be changed to a progress report due April 1, 2020; the April 1, 2020 construction progress report due date be changed to October 31, 2020; and the complete construction of facilities date due date be changed from October 31, 2020 to January 31, 2021.

Attached is the project schedule for the City's 3 projects to address all compliance items in its discharge permit. This schedule shows that the City intends to aggressively comply with the scheduled events listed in the discharge permit as quickly as is feasibly and financially possible. The Collection System Improvements project is pending PNA approval once funding options are thoroughly investigated. The Site Application for the Wastewater facility Improvements project, which includes activities to meet total ammonia, E. coli, and TRC limits, will be submitted June 17, 2019. Results of the Mixing Zone Analysis were submitted to the City on March 27, 2019. "

#### IV. CHANGES MADE AS A RESULT OF THE MODIFICATION

Division Policy CW3 - Permit Compliance Schedules (effective date March 2014), states, "In accordance with state and federal regulations, permit compliance schedules may be modified upon request given that a good cause is shown:

61.8(3)(n)(ii) The Division may, upon request of the permittee, revise or modify a schedule of compliance if the Division determines that the permittee has shown good and valid cause exists for such revision, and if within thirty (30) days following receipt of notice from the Division, the Regional Administrator does not object in writing."

Policy CW-3 also puts forward the requirements that must be met in order to grant a compliance schedule in a permit. In general, the division must make a finding that the proposed compliance schedule is necessary, the proposed compliance schedule is appropriate, and that the proposed compliance schedule will allow the discharger to achieve compliance with the underlying effluent limits "as soon as possible."

##### **Necessary**

Compliance schedules may be granted if the effluent limitations are being added to the permit for the first time or if more stringent effluent limits are being added to a renewal permit based on a change in water quality standards. As limitations for total ammonia for the City of Creede WWTF were added for the first time, and the compliance schedules have not yet expired, the division has determined that a compliance schedule to meet the required limitations is necessary.

##### **Appropriate**

Once necessity has been determined, the division evaluates the "appropriateness" of a compliance schedule. Factors relevant to an appropriate determination of a compliance schedule under 40 C.F.R. § 122.47(a) include: the extent to which the discharger has made good faith efforts to comply with the WQBEL(s) and other requirements in its previous permit, and whether there is a need for modifications to treatment facilities; and if so, the time needed to implement those modifications. Furthermore, as specified in CW-3, the compliance schedule must be an enforceable sequence of events that contains milestones, and the milestones must not be more than a year apart. Since the discharger is being subject to total ammonia limits for the first time, it may need time to make modifications to the treatment facility and processes in order to meet the new effluent limitations.

The permittee has complied with previous milestones in the compliance schedule, including item CS010 - Submit Status Progress Report, with due date 4/1/2019. The progress report to fulfill item CS010 stated that the City of Creede had requested Preliminary Effluent Limits at a reduced flow rate of 0.28 MGD, which is half of the City of Creede WWTF current design flow rate.





**As soon as possible**

Because it was determined that a compliance schedule is both necessary and appropriate, the division develops a compliance schedule with appropriate milestones that are anticipated to be conducted to attain permit limits as soon as possible. The division intends to provide adequate time to conduct the sequence of actions needed that would lead to the desired result of compliance, while not providing more time than reasonably necessary to ensure that effluent limitations are met “as soon as possible”.

Policy CW3 outlines appropriate justification to extend a compliance schedule, such as when “design and construction timelines are longer than originally anticipated.” The City of Creede has provided additional time needed for PNA approval and to investigate funding options.

Therefore, the division has modified the permit as follows:

The division has extended the final compliance schedule for Total Ammonia Limits in Part I.A.5(c) (Code CS016 - “Complete construction of facilities or other appropriate actions, which will allow the permittee to meet the final limitations”) from 10/1/2020 to 1/31/2021. The beginning date in the permit limits table in Part I.A.2 for total ammonia has been changed from 11/1/2020 to 2/1/2021 to reflect the extended date.

The division also changed the due date of interim benchmark CS010 - Status/Progress Report due originally on 4/1/2020, to 10/1/2020. Note that the due date was not changed from 4/1/2020 to 10/31/2020, as requested by the permittee, because the previous event due date is 10/1/2019 and milestones cannot be longer than a one-year period.

The division did not grant the request to extend interim activity CS010 - Status/Progress Report due on 10/1/2019, because this event is due before the permit modification request can be processed.

**V. PUBLIC NOTICE COMMENTS**

FOR DIVISION USE ONLY	
G04	Sewage Sludge/Biosolids Annual Program Reports
G07	Pretreatment Program Reports
G09	Sewer Overflow/Bypass Event Reports
G3A	DMRs: Regular Submission Frequency
G8B	SIU Compliance Reports (State is Control Authority)

