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Louis Fineberg, Town Manager
City of Creede
2223 N Main St
Creede, CO 81101

MEMORANDUM

TO: Scott Johnson, Public Works Director
Creede Wastewater Treatment Facility

FROM: Ana Ruiz, Permit Writer, ana.ruiz@state.co.us
Michelle DeLaria, Unit 2 Manager, michelle.delaria@state.co.us

DATE: January 8, 2020

RE: Modification Request Denial - Due date extension for compliance schedules and special study
City of Creede Wastewater Treatment Facility
Permit No: C00040533

On August 30, 2019, the Water Quality Control Division (the division) received a permit modification request from the City of Creede Wastewater Treatment Facility (the permittee) for an extension to its compliance schedules to achieve limits for Dissolved Zinc, Dissolved Cadmium, and Ammonia, and an extension to a special study to complete Infiltration and Inflow (I/I) reduction requirements. The modification request was dated August 28, 2019.

Scope of Modification Request:

The permittee included the following information in the permit modification request:

The City of Creede respectfully requests a two (2) year extension of compliance schedule dates for meeting dissolved zinc (Zn) and dissolved cadmium (Cd) effluent limits and inflow/infiltration (I/I) reduction requirements and a four (4) year and three (3) month extension to meet the effluent ammonia limits. These extensions are necessary to secure funding, complete design with CDPHE required reviews, and complete necessary construction to address compliance schedules, per the discharge permit. Please see Attachment 1: Additional Information which includes the rationale for this permit modification request and project schedules further detailing steps, including associated dates, to address all remaining discharge compliance issues.

The proposed compliance dates are:

- 1) 1/31/2023 to achieve final limits for dissolved Zn and Cd
- 2) 1/31/2023 to complete 100% of I/I targeted replacements and show I/I reduction has been achieved
- 3) 12/31/2024 to meet effluent ammonia limits

The requested changes are to the following sections in the permit:

- Extension to achieve final limits for Cd and Zn: Part A.5.b, specifically Activities to Meet Dissolved Cadmium and Dissolved Zinc Final Limits, Activity Code 00899 with a Due Date of 1/1/2020 and Event Description as

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follows: "Submit a progress report summarizing the progress in implementing the strategies to control sources such that compliance with the final Dissolved Cadmium and Dissolved Zinc limitations may be attained. Include progress of the schedule of projected tasks."

- Completion of I/I reduction requirements: Part A.4.b, specifically Inflow/Infiltration Study and Schedule, Activity Code 04399 with a Due Date of 1/31/2020 and Event Description as follows: "Submit a progress report summarizing the progress in implementing the I/I control program, including notification that 60% of I/I targeted repairs have been completed."

- Extension to meet effluent ammonia limits: Part A.5.c., specifically Activities to Meet Total Ammonia, Activity Code CS010 with a Due Date of 10/1/2019 and Event Description as follows: "Submit a construction progress report summarizing the progress in construction and other activities."

Basis for denial of modification request:

The division is unable to process this modification before the compliance schedules and special study due dates.

The division received the modification application on 8/30/2019. For Cd and Zn limits, the modification application requests a one-year extension of an event due on 1/1/2020. For the submission of a special study progress report, the modification application requests an eleven-month extension of an event due on 1/31/2020. For ammonia limits, the modification application requests a six-month extension of an event due on 10/1/2019.

In accordance with Regulation 61.8(8)(e), the division has 180 days to respond to the application. Additionally, in accordance with Regulation 61.8(8)(f), permit modifications requesting to extend the final compliance date do not meet the criteria of a minor modification and therefore must follow a required public notice process. The permittee did not allow the division enough time to evaluate and process the permit modification request in accordance with the required public notice process. Additionally, the division cannot extend compliance schedule due dates that have passed.

Accordingly, the division has denied the modification request for an extension to the compliance schedule for Cd and Zn, item 00899 with a due date of January 1, 2020, compliance schedule for ammonia, item CS010 with a due date of January 31, 2020, and for the Infiltration/Inflow study item 04399 with a due date of January 31, 2020.