

February 17, 2021

Colorado Department of Public Health and Environment (CDPHE)
ATTN: Nathan Moore
Water Quality Control Division, WQCD – P-B2
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

Submitted electronically via cdphe.wqrecordscenter@state.co.us per COVID-19 protocol

RE: Permit Certification No. COR-090020, Boulder County - 2020 MS4 Annual Report

Dear Mr. Moore:

Boulder County's completed 2020 Annual Report for its Municipal Separate Storm Sewer System (MS4) general permit (Certification No. COR – 090020) is included with this submittal. The MS4 Annual Report was completed in accordance with Part I.I.1.b of the MS4 Permit.

I have also included a second memorandum that is being submitted to you for *E. coli* TMDL annual reporting regarding a portion of Boulder Creek Segment 2b in accordance with Part III.A.2 of the MS4 Permit.

Please note that Boulder County adapted extremely well to conducting our field work and MS4 oversight activities during the COVID-19 pandemic. Due to this success, the numbers reported in 2020 are very similar to the numbers included in recent annual reports. This is the third consecutive reporting year that Boulder County used the Accela Civic Platform to populate the MS4 Annual Report.

Please contact me personally at 303-441-1157 if you have any questions concerning the report or Boulder County stormwater quality protection program.

Sincerely,

Scott Coulson, CFM

Stormwater Quality Program Manager

cc: Erin Dodge, Boulder County Public Health



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

COR090000 <u>Renewal Permittees</u> Annual Report Form

Municipal Separate Storm Sewer Systems (MS4s) General Permits Revised 10/2017

municipal separate storm sewer systems (ws4s) General Permits										
Part 1: Permit Identification			Part B:	Reporti	ng Perio	d Jan 1	through	1 Dec 31		
General Permit Number: COR090000		(Check o year.)	ne. Report	is due by	March 10	of the foll	lowing			
Certification Nur	mber:	COR 09 090	020			2017	2018	2019	2020	2021
Part 2: Permittee Information (If there are any changes, please submit a Change of Contacts form) Organization: Boulder County						<u>m</u>)				
Mailing Address:	Boar	d of Coun	ty Comm	issioners						_
	P.O. E	3ox 471								
	City:	Boulder		State: <u>C</u>	O		Zip: <u>8</u> ()306		_
Part 3: Site Cor	ntact	Informati	On (If there	e are any chan	ges, please	submit a <u>C</u>	hange of C	ontacts fo	orm)	
Facility Contact	Name:	Scott Co	ulson							
j	Title:	Stormwa	ter Qualit	ty Program	Manage	r				_
	Teleph	none No: 3	03-441-1	157						
	Email <i>i</i>	Address: <u>S</u>	coulson@	boulderco	unty.org					
Part 4: Facility Information Have any areas been added or removed from the permit area due to annexation or other legal means? YES NO If YES, provide the web address for an online map, below, or check "attached" below and attach an updated map labeled as "Part 4" that identifies the jurisdictional boundaries. Provide the map's web address or indicate if a map is attached (if applicable):										
http://maps.boco.solutions/propertysearch/ - shows real-time updates to jurisdiction by parcel										
Part 5: Notice of Reliance on Third Party Is the permittee relying on another entity to satisfy any of the permit obligations (if applicable) that has not been reported to the division in a previous report or permit application (including reports under previous permit terms). YES NO										
If YES, attach a short narrative labeled as "Part 5" identifying the permit requirement and the entity relied on.										



Part 7 - Program Implementation Report

(Part 6 of the report was only applicable to the 2016 report and has been removed)

7.A) Compliance Schedule = required Annual Report Notifications

For all compliance schedule actions completed by January 1 of the year the report is due (including those actions completed prior to the reporting period), identify the date of completion. Refer to Part I.H of the permit.

Only complete those rows for which the deadline was met during the reporting period.

This table reflects all compliance schedule items for the permit term, which includes permit conditions that do not need to be met during the current reporting period.

Permit Condition	Action	Deliverable	Deadline	Date of Completion/
I.A.3.a.ii(B)	County growth area maps (Part I.A.3.a.ii(B))	- Completed January 1, 201	7	
I.C.1, and PDD content requirements in Parts I.D and E	Refer to Part I.H of the permit, not a requir Complete PDD (contents must reflect terms and conditions that are in effect, i.e., following the associated compliance schedule deadline)	Notification in annual report Due March 10, 2019	Completed January 1, 2019	10/18/2018
I.E.2.a.ii,iii,v I.E.3.a.ii,iii I.E.4.a.ii,iii	Complete all applicable changes to the regulatory mechanism(s): Ensure requirements are met; revise implementation and documentation if necessary.	Notification in annual report Due March 10, 2020	Completed July 1, 2019	7/1/2019
I.E.1.a.i	Illicit Discharges: Begin providing information targeting business(es) and the general public	Notification in annual report Due March 10, 2019	Begin implementation July 1, 2018	7/1/2018
I.E.1.a.ii	Education and Outreach Activities: Begin providing annual public education and outreach from Table 1.	Notification in annual report Due March 10, 2019	Begin implementation January 1, 2018	1/1/2018
I.E.1.a.iii(A)	Nutrients: Determine targeted sources of nutrients.	Notification and list of targeted sources in annual report Due March 10, 2018 Attach List to March 10, 20 following completion, labe - Nutrient Targets"	Completed January 1, 2018 18 Annual Report	1/1/2018
I.E.1.a.iii(B)	Nutrients: Begin providing education and outreach to the targeted sources	Notification in annual report Due March 10, 2019	Begin implementation July 1, 2018	7/1/2018
I.E.2.a.iv(A) and (B)	Tracing an Illicit Discharge: Ensure requirements are met; revise implementation and documentation if necessary.	Notification in annual report Due March 10, 2018	Completed January 1, 2018	1/1/2018
I.E.2.a.vi	Removing an Illicit Discharge, Enforcement Response: Ensure requirements are met; revise implementation and documentation if necessary.	Notification in annual report Due March 10, 2018	Completed January 1, 2018	1/1/2018
I.E.2.a.viii	Priority Areas: Identify any new priority areas	Notification in annual report Due March 10, 2018	Completed January 1, 2018	1/1/2018
I.E.2.b.vi	Removing and Illicit Discharge: Ensure documentation is recorded.	Notification in annual report Due March 10, 2018	Completed January 1, 2018	1/1/2018
I.E.3.	Begin implementing the permittee's current construction sites program in the county growth areas.	Notification in annual report Due March 10, 2020	Completed January 1, 2019	N/A
I.E.3.a.i	Excluded Activities for County Growth Areas: Ensure requirements are met; revise implementation and documentation if necessary.	Notification in annual report Due March 10, 2020	Completed July 1, 2019	N/A



7.A) CONTINUED: Compliance Schedule = required Annual Report Notifications Date of **Permit** Completion/ Condition Action Deliverable Deadline Implementation Control Measure Requirements: Ensure Notification in annual I.E.3.a.iv Completed July control measure requirements are met; report Due March 10, 2020 1, 2019 7/1/2019 revise implementation and documentation if necessary. Site Plans: Ensure requirements are met: I.E.3.a.v(B) Notification in annual Completed July revise implementation and documentation through (C) report Due March 10, 2020 1, 2019 7/1/2019 if necessary. I.E.3.a.vi(B) Site Inspection: Ensure requirements are Notification in annual Completed July through (E) met: revise implementation and report Due March 10, 2020 1, 2019 7/1/2019 documentation if necessary. I.E.3.a.vii(B) **Enforcement Response: Ensure** Notification in annual Completed July requirements are met; revise report Due March 10, 2020 1, 2019 7/1/2019 implementation and documentation if necessary. I.E.3.b.vi Site Inspection: Ensure requirements are Notification in annual Completed July met; revise implementation and report Due March 10, 2020 1, 2019 7/1/2019 documentation if necessary, ensure documentation is recorded. I.E.4. Begin implementing the permittee's current Notification in annual Completed post- construction sites program in the report Due March 10, 2020 January 1, 2019 N/A county growth areas. I.E.4.a.i Excluded Sites: Ensure requirements are Notification in annual Completed July met: revise implementation and report Due March 10, 2020 1, 2019 7/1/2019 documentation if necessary. I.E.4.a.iv Control Measure Requirements: Ensure new Notification in annual Completed July control measures meet one of the design report Due March 10, 2020 1, 2019 7/1/2019 standards Site Plans: Ensure requirements are met; I.E.4.a.v Notification in annual Completed July revise implementation and documentation report Due March 10, 2020 1, 2019 7/1/2019 if necessary. I.E.4.a.vi and Construction Inspection and Acceptance and Completed July Notification in annual Post Acceptance Oversight: Ensure vii report Due March 10, 2020 1, 2019 requirements are met; revise 7/1/2019 implementation and documentation if necessary. I.E.4.a.viii Enforcement Response: Ensure Notification in annual Completed July requirements are met; revise report Due March 10, 2020 1, 2019 7/1/2019 implementation and documentation if necessary. Municipal Facility Runoff Control Notification in Annual I.E.5.a.ii Completed July report Due March 10, 2018 Measures: Ensure requirements are met; 1, 2017 6/29/2017 revise implementation and documentation if necessary. I.E.5.a.ii(C) Municipal Facility Runoff Control Notification in annual Completed July Measures: Ensure inspection requirements report Due March 10, 2020 1, 2019 5/20/2019 are met; revise implementation and documentation if necessary. I.E.5.a.iv Nutrient Source Reductions: Ensure Notification in annual Completed July requirements are met; revise report Due March 10, 2021 1, 2020 7/1/2020 implementation and documentation if necessary. I.E.5.a.v. Outdoor Bulk Storage Notification in annual Completed July report Due March 10, 2022 1, 2021 Municipal Facility Runoff Control I.E.5.b.i Notification in annual Completed July Measures: Ensure documentation is report Due March 10, 2020 1, 2019 7/1/2019



recorded.

7.0	C) Assessment and Modifications
i.	The results of the assessment of the effectiveness of the control measures. Provide a narrative based on the assessment required in Part I.G.1.b of the Permit. The permit does not identify the scope or scale of information required beyond this information, the permittee may determine the extent and nature of information provided to meet this requirement.
	Provide information below, or check "attached" and attach the information labeled as "PART 7.C.i" Attached
fou sch con	ulder County has assessed the implementation of the control measures required by the permit and nd the county to be in compliance with the requirements in Part I.E and III, and compliance redule in Part I.H of the permit. It is Boulder County's understanding that the implementation of atrol measures consistent with the requirements of the permit constitutes an effective method to nieve the effluent limits of the permit.
ii.	The results of the permit modification assessment and if any parts of this permit need to be modified or a condition of the permit may not be practicable.
	Provide a narrative based on the assessment required in Part I.G.1.c of the Permit. The permit does not identify the scope or scale of information required beyond this information, the permittee may determine the extent and nature of information provided to meet this requirement.
	Provide information below, or check "attached" and attach the information labeled as "PART 7.C.ii" Attached
	ulder County has assessed the permit and did not identify any permit modifications that may be eded.



7.D) *Program Elements - Public Education and Outreach (Part I.E.1) *All of 7.D is not required prior to the Jan 1, 2018 deadline for implementing in accordance with I.E.1.a.i, ii, & iii							
iii. List of the education and outreach activities completed in accordance with Part I.E.1.a.i Illicit Discharges Education and Outreach. Provide list below.							
Boulder County Public Health restaurant inspectors were deployed to COVID-19 response, so outreach was conducted based on food safety complaints rather than routine restaurant inspections. In-person guidance and discussion of our Restaurant Resource Sheet BMP Handout was performed at the following businesses.							
RAJA FRESA, 7960 NIWOT RD D11 FANS 66, 7960 NIWOT RD STE A1 NIWOT TAVERN, 7960 NIWOT RD D12 BOULDER COUNTRY CLUB, 7350 CLUBHOUSE D	DR						
The permittee must implement at least four education must be from the Active and Interactive Outreach co	rencing the activities in Table 1 of the Permit. on and outreach activities (bulleted items) and at least two blumn. Check those activities conducted in the table below.						
Passive Activity Check all activities implemented during report year	Active and Interactive Outreach Activity Check all activities implemented during report year						
 □ Bus shelter/bench advertisement □ Billboard/dasher board advertisement □ Vehicle/bus advertisement □ Radio/television/movie theater advertisement □ Newspaper advertisement □ Distribute educational materials by brochure □ Distribute educational materials by fact sheet □ Distribute educational material by utility bill insert □ Distribute educational material by utility bill insert 	 Ongoing advertisement/promotion of a stormwater hotline number or other method to report an illicit discharge Ongoing advertisement/promotion on how to get more information about the stormwater program Ongoing social media program Web site that is interactive or contains stormwater information that includes actions that can be taken to reduce stormwater pollution Newsletter (hard copy or electronic) 						
Publish article (hard copy or electronic)Storm drain marking by permittee staff that maintains 25% of permittee maintained inlets.	 Promotion of existing local stormwater/environmental events or program that help protect water quality Distribute promotional items or giveaways 						
Stormwater related signageWeb site	 Participate in or sponsor a water festival which involves populations that exist within the permit boundary Participate in or sponsor a waterway clean-up and trash removal event Participate in or sponsor a service project Participate in or sponsor a stormwater or environmental presentation 						
	Participate in or sponsor a stormwater or environmental event Participate in or sponsor community project based programs that investigate watershed health and meet applicable school Science, Technology, Engineering and Math (STEM) standards Continued on Next Page						



	Active and Interactive Outreach Activity Column, Continued
	Continued
	Participate in or sponsor a household hazardous waste event
	☐ Participate in or sponsor an Adopt-a-Street program
	☐ Participate in or sponsor an Adopt-a-Waterway program
	Participate in or sponsor an Adopt-a-Storm Drain program
	Provide ongoing access to motor vehicle fluids recycling program
	Stormwater booth at a community event
	■ Conduct a stormwater survey
	Storm drain marking program performed by the public/community
	☐ Pet waste stations
	Participate in, plan, or present stormwater materials to schools
	Stormwater demonstration projects that show control measures or other pollutant reduction methods
v. A list of the education and outreach activities nutrients and targeted sources Provide list below, including the pollutant source	·
See Attachment labeled as PARTS 7.A and 7.D.	v Nutrient Targets and Activities Completed.



7.E) Program Elements - Illicit Discharge Detection and Elimination	
vi. Provide the total number of <u>unresolved reports/identification of illicit discharges</u> . An unresolved illicit discharge is one that has been identified or reported to the permittee and the requirements for removing the illicit discharge were not met during the reporting period. Refer to requirements for removing an illicit discharge in Part I.E.2.a.vi of the new permit. For the period prior to implementing a program to meet Part I.E.2.a.vi in accordance with the compliance schedule, refer to the permittee's CDPS Stormwater Management Program Description from the previous permit term.	0
7.F) Program Elements - Construction Sites The permittee can define what constitutes an individual "site" and "inspection" for reporting below as apprthe permittee's own program.	opriate for
 i. Applicable construction sites: Provide the total number of applicable construction sites during the year. "Applicable construction sites" are sites for which "applicable construction activities," as defined in the permit, occurred during the reporting year. 	10
ii *Douting Ingrestions, Drouide the total number of Douting Ingrestions performed during the	
ii. *Routine Inspections: Provide the total number of Routine Inspections performed during the year. Routine Inspections are inspections of applicable construction activities that meet the inspection scope requirements in Part I.E.3.a.vi(C) and for which documentation is recorded in accordance with in Part I.E.3.b.vi.	36
*Not required prior to the July 1, 2019 deadline for documenting in accordance with I.E.3.b.vi.	
iii. *Reduced Site Inspections: Provide the total number of Reduced Site Inspections performed during the year. Reduced Site Inspections are inspections of applicable construction activities that meet the inspection scope requirements in Part I.E.3.a.vi(D)(1), (2), (3) and (4) for which documentation is recorded in accordance with in Part I.E.3.b.vi.	11
*Not required prior to the July 1, 2019 deadline for documenting in accordance with I.E.3.b.vi.	
iv. *Compliance Inspections: Provide the total number of Compliance Inspections performed during the year. Compliance Inspections are inspections, operator reporting, or other action(s) to assess the control measure has been implemented or corrected of applicable construction activities that meet the inspection scope requirements in Part I.E.3.a.vi(E) and for which documentation is recorded in accordance with in Part I.E.3.b.vi.	19
*Not required prior to the July 1, 2019 deadline for documenting in accordance with I.E.3.b.vi.	
v. COUNTY PERMITTEES ONLY *County Growth Area Excluded Construction: Where any construction activities excluded from applicable construction activities in accordance with Part I.E.3.a.i(B) (1) or (2)? YES	m being NO
If YES, attach a list of the excluded construction sites. Include recordkeeping information requestrent I.E.3.b.i. Label the attachment as "Part 7.F.v Excluded Growth Area Construction."	uired by



*Not required prior to the January 1, 2019 deadline for implementing in growth areas.

Redevelopment Program	st-Construction Stormwater Manustricutes an individual "site" and "con					
appropriate for the permittee's ow						
i. Applicable development sites: Provide the total number of applicable development sites for which control measures were implemented during the reporting period						
ii. *Long-Term Operation and Maintenance and Post Acceptance Oversight:						
*ii.a and ii.b, below, are not requin accordance with Part I.E.4.a.vi	ired prior to the July 1, 2019 deadli i.	ine for conducting inspections				
	ii.a Provide the total number of applicable <u>development sites</u> inspected to ensure compliance with the requirement in Part I.E.4.a.vii.					
	umber of applicable <u>control me</u> e requirement in Part I.E.4.a.vi		0			
	pment Sites: Where any developm		pplicable			
development site in accorda	ince with the following permit con-	ditions?				
Pavement Management: Par	t I.E.4.a.i(A), except maintenance	sites YES NO)			
Roadway Redevelopment: Pa	art I.E.4.a.i(B)	■ YES □ NO)			
Existing Roadway Areas Part	I.E.4.a.i(C)	☐ YES ■ NO)			
If YES to one or more of the	above, attach a list of the exclude	d development sites, identifyi	na which			
	ne recordkeeping information requi		· ·			
"Part 7.G.iii Excluded Roadv						
*Not required prior to the July 1, and exclusion requirements in ac	2019 deadline for implementing corcordance with I.E.4.a.i	ntrol measure in accordance wi	th I.E.4.a.iv			
iv. COUNTY PERMITTEES ONLY						
*County Growth Area Exclu	ided Development Sites: Where ai	ny developments excluded fro	m being			
applicable development site	s in accordance with Part I.E.4.a.i	(G)(1)? YES	■ NO			
	cluded development sites. Include ttachment as "Part 7.G.iv Excluded		n required b			
	y 1, 2019 deadline for implementing	·				
in accordance with a system designe submitted. Based on my inquiry of t for gathering the information, the in complete. I am aware that there are fine and imprisonment for knowing	this document and all attachments we ed to assure that qualified personnel p he person or persons who manage the aformation submitted is to the best of e significant penalties for submitting f	properly gather and evaluate the system, or those persons directly my knowledge and belief, true,	information y responsible accurate and			
Name (Legal Contact):	Matt Jones	Title: Chair, Board County Co	mmissioners			
Signature (Original Ink Signature	?):	Date signed:				
Matt Jones		02/16/2021				





PART 5 – Notice of Reliance on Third Party, Permit Certification No. COR-090020, Boulder County MS4

The County continues to rely, in part, on the Keep It Clean Partnership to fulfill Permit requirements under I.E.1 of the MS4 Permit (Public Education and Outreach), specifically including I.E.1.a.ii and I.E.1.a.iii. Please note that Keep It Clean Partnership's youth education, youth surveys, and nutrient education activities were modified due to the COVID-19 pandemic. For example, live-virtual youth education programs were administered to schools by an educator via webcam.



PARTS 7.A and 7.D.v Nutrient Targets and Activities Completed, Permit Certification No. COR-090020, Boulder County MS4

Target Pollutant/ Source	Target Audiences	Outreach Activity	Distribution Mechanism	Dates
Source: Sewage, Greywater, Pet Waste	Fairgrounds Campground Users	Postcard/Handout	Campgrounds host provides to campers	All Year
Source: Pet Waste	Dog Owners	Pet Waste signage	Boulder County Fairgrounds	All Year
Fertilizer, Lawn Waste, Pet Waste	Website users	Website page – Nutrient & Dog Waste Focused	KICP Website	All Year
Fertilizer, Lawn Waste, Pet Waste	Local Population	Newspaper Advertisement - Nutrient Focused	Newspaper Advertisement	May and March 2020
Fertilizer, Lawn Waste	K-5 Students	Presentation to Schools- Nutrient Info Included	Educational Activities with Nutrient Messaging	Q1 2020
Sediment/ Nutrients from Construction	Construction Industry	Informational materials, contact information	KICP website	All Year



PARTS 7.G.iii Excluded Roadway Development, Permit Certification No. COR-090020, Boulder County MS4

Record ID	Site Name	Owner Name	Location	Completion Date	Site Area Disturbed (Acres)	Excluded Impervious Area (Acres)	Reason for Post Construction Exclusion
SWQP- 19-018	95th Street Project	Boulder County Public Works (Road Right-of- Way)	9477 Niwot Rd.	11/16/2020	27.3	1.0	Roadway Redevelopment
SWQP- 20-010	South Boulder Road Panel Replacements	Boulder County Public Works (Road Right-of- Way)	7411 South Boulder Rd., 76th Street, and McCaslin Blvd.	N/A - Ongoing project	2.0	1.6	Roadway Redevelopment
SWQP- 20-020	Dyer Road Project	Boulder County Public Works (Road Right-of- Way)	0 Dyer Road	N/A - Ongoing project	2.3	1.3	Roadway Redevelopment



TO: Nathan Moore, Colorado Department of Public Health and Environment (CDPHE)

FROM: Boulder County Board of County Commissioners (BOCC)

DATE: February 16, 2021

PREPARED

BY: Scott Coulson, Stormwater Quality Program Manager, Boulder County Public Health (BCPH)

Erica Rogers, Assistant County Attorney, Boulder County Attorney's Office

RE: Permit Certification No. COR-090020, Boulder County MS4 – TMDL annual reporting required

under Part III for January 1, 2020 to December 31, 2020

Certified

Mail No.: Submitted electronically via cdphe.wqrecordscenter@state.co.us per COVID-19 protocol

Total Maximum Daily Load (TMDL) implementation requirements are integrated into the Phase II Municipal Separate Storm Sewer System (MS4) Permit (No. COR-090000) that became effective July 1, 2016. This memorandum is being submitted to you for *E. coli* TMDL annual reporting regarding a portion of Boulder Creek Segment 2b (hereinafter referred to as *E. coli* TMDL segment) in accordance with Part III.A.2 of the MS4 Permit.

As further explained in this memorandum, Boulder County has determined that it does not own, operate, or maintain an urbanized MS4 that discharges to the Boulder Creek *E. coli* TMDL segment. Accordingly, Table 8-1 of the 2011 TMDL does not assign required reductions to any Boulder County outfalls. While Boulder County is strongly committed to improving water quality in the region, it will be shifting its resources away from the *E. coli* TMDL segment, over which it has minimal control, to other potential initiatives aimed at improving water quality in areas where Boulder County has more direct control.

As previously reported, Boulder County completed a geographic information systems (GIS) analysis to better determine what actions the county can take to reduce *E. coli* loading. The results of the delineation analysis show that Boulder County has only a small portion of land in its urbanized contributing drainage area to the *E. coli* TMDL segment (30.38 acres). The 2011 TMDL identifies the total land area within the impaired drainage as 2,302.6 acres; thus, the county's urbanized area comprises approximately one percent of the total TMDL land area. Additionally, Boulder Creek only flows through approximately 0.72 miles of unincorporated Boulder County at the very downstream end of the *E. coli* TMDL segment.

During this reporting year, Boulder County continued to use consultant support to better understand our role in the *E. coli* TMDL and analyze previously collected GIS data. During the GIS mapping updates that were completed for the *E. coli* TMDL segment in 2017, all outfalls to the TMDL segment were field verified and are shown in Figure 1. The table in Figure 1 shows the owner of the underlying land where each outfall is located. Importantly, none of the outfalls are owned or operated by Boulder County.

A fundamental finding from Boulder County's GIS work during 2017 is that drainage from the majority of the urbanized area within the TMDL boundary is through a privately-owned conveyance and outfall system associated with the San Lazaro Mobile Home Park. The mobile home park (22.51 acres) is the only developed land within Boulder County's urbanized TMDL boundary. Although the land is located in Boulder County, the county does not own, operate or maintain the outfalls. The Phase II MS4 Permit (No. COR-090000) Fact Sheet¹ provides important background on this issue as follows (with emphasis added):

Accessible at: https://www.colorado.gov/pacific/sites/default/files/COR090000-Fact%20sheet 1.pdf.

Environmental Health • 3450 Broadway • Boulder, Colorado 80304 • Tel: 303.441.1564 Fax: 303.441.1468 **www.BoulderCountyHealth.org •** www.bouldercounty.org

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There are many types of conveyances or systems that are not MS4s.

- 1. The system or conveyance <u>must be owned or operated by the permittee</u>. In other words, <u>the permittee</u> <u>must have jurisdictional control over the system or conveyance</u>. Please see the definition of a permit area since these criteria must also be met. In other words, <u>if the permittee does not own or operate the street or catch basins</u>, then they are not part of the MS4.
- 2. The area must be designed or used for collecting or conveying stormwater. One conveyance often overlooked by a permittee is a conveyance that is not listed above (i.e., municipal streets, catch basins, curbs, gutters, ditches, man-made channels, and storm drains) adjacent to a state water. This unique conveyance that is adjacent to a state water must meet the following requirements in order to be considered an MS4:
 - a. The conveyance must be owned or operated by the permittee (similar to 1. above), but also must be owned or operated by the permittee through an agreement, contract, direct ownership, easement, or right-of-way. If the easement is only for a utility, then it is NOT considered part of the MS4.
 - b. The conveyance must be used to manage flood plains, stream banks, and stream channels. If the conveyance is only used for another purpose, then the conveyance is not part of the MS4.

Boulder County has reviewed property records to determine ownership and responsibility for the conveyance and outfall system within the mobile home park. Property records show that the mobile home park is owned by San Lazaro Park Properties L.L.P., and Boulder County has no ownership interest in the park. Flatirons, Inc. prepared a land title survey for the mobile home park in 2006 that is shown in Figure 2. In particular, Survey Note No. 20 in Figure 2 supports the conclusion that the roads within the mobile home park are private property. Figure 2 also depicts the three piped storm drain outfalls that are appurtenant to the private roads. In addition, there are no easements shown along the property line where the storm drains discharge to Boulder Creek.

Therefore, property research and records demonstrate that Boulder County does not own, operate, or maintain an urbanized MS4 that discharges to the Boulder Creek *E. coli* TMDL segment. Accordingly, Table 8-1 of the 2011 TMDL does not assign required reductions to any Boulder County outfalls. Even though Boulder County does not have an urbanized MS4 in the *E. coli* TMDL segment, the county will continue to implement all water quality protection functions within its statutory and regulatory authority on all waterways within its jurisdiction, including the Boulder Creek *E. coli* TMDL segment. For example, Boulder County intends to use Illicit Stormwater Discharge Ordinance (No. 2012-4) in order to protect waterways directly, even where the county does not have an urbanized MS4.

Part III.A.2.a. For the first annual report only: A description of all control measures planned by the permittee to reduce the discharge of *E. coli* to COSPBO02 from 13th Street to South Boulder Creek, including specific target dates for implementation.

This information was submitted in the first annual report (2016), and an update on implementation is provided in Part III.A.2.b below.

Part III.A.2.b. A description of all control measures implemented by the permittee to reduce the discharge of *E. coli* to COSPBO02 from 13th Street to South Boulder Creek.

In previous annual reports, Boulder County used Table III.A.2.b to report completion dates for implemented control measures under Part III.A.2.b. All control measures in Table III.A.2.b were completed by the end of the 2019 Reporting Year, so we are taking this opportunity to learn from and adjust our approach to impaired streams. We would like to emphasize that although Boulder County does not have an MS4 on Boulder Creek Segment 2b, it is committed to protecting water quality in Boulder Creek and all other waterways located within or flowing from the unincorporated county. Because the county has minimal direct control over Boulder Creek Segment 2b, Boulder County intends to focus energy and resources on other impaired waters within the county. To this end, the county is exploring the following potential options to improve water quality through its stormwater quality protection

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program. Table III.A.2.b is no longer specific to Boulder Creek Segment 2b, but represents a broader approach on how we intend to incorporate *E. coli* and other stream impairments.

Table III.A.2.b. Planned control measures by Boulder County to address stream impairments

		Reporting Year 5 (2020)	
Number	Name	Description/Notes	Tentative Implementation Target Date	Date of Completion
8	MS4 outfall inventory for impaired streams	Proactively inventory Boulder County MS4 outfalls discharging to 303(d) listed streams that do not currently have TMDLs. Perform GIS analysis for prioritization and collect additional information on these locations so Boulder County is better prepared for TMDL development in the future.	December 2022	
9	Stormwater quality protection program	Continued implementation of the six minimum control measures in the MS4 Permit (in both TMDL and non-TMDL areas).	Ongoing	Ongoing
10	Public education on <i>E. coli</i>	Continued participation in public education efforts related to <i>E. coli</i> in collaboration with the Keep It Clean Partnership.	Ongoing	Ongoing
11	Illegal discharge detection and elimination	Using the Illicit Stormwater Discharge Ordinance (No. 2012-4) as needed to control pollutant discharges to the storm drain system and waterways upon identification.	Ongoing	Ongoing
12	Non-point source controls assessment	Identifying areas within the County where non-point source controls could help reduce nutrients or <i>E. coli</i> loading.	December 2023	

Part III.A.2.c. An identification of all illicit discharges identified by the permittee determined or suspected by the permittee to contribute to discharges from the MS4 in exceedance of 126 colony-forming units (CFU) of bacteria per 100 milliliters of water (the *E. coli* water quality standard). The first annual report shall include information on discharges identified prior to the effective date of the permit.

Given that we now know that there is no Boulder County MS4 outfall to Boulder Creek in the TMDL segment, then by definition it follows that there are no illicit discharges to the County's MS4. The definition of illicit discharge in the MS4 Permit applies to discharges to the MS4.

Furthermore, Boulder County is tracking both public and employee reports of suspected illegal discharges, and it has not identified illicit discharges that may potentially contribute to exceedances of the *E. coli* water quality standard in Boulder Creek Segment 2b.

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February 16, 2021

Page 4

Part III.A.2.d.

An indication of if the illicit discharges identified in Subsection "c" have been eliminated. If the discharge has not been eliminated, a description of any planned control measure that the permittee intends to take to address the discharge must be included.

No illicit discharges are identified in Subsection "c" above.

Part III.A.2.e. A description of monitoring activities conducted, or planned, to meet the requirements of Part III.A.1 and identify progress towards meeting the WLA in the COSPB02 from 13th Street to South Boulder Creek *E. coli* TMDL.

Boulder County does not own, operate, or maintain an urbanized MS4 or outfall that discharges to the Boulder Creek *E. coli* TMDL segment. Therefore, Boulder County does not have an outfall to sample to assess progress towards meeting the WLA. Accordingly, Table 8-1 of the 2011 TMDL does not assign required reductions to any Boulder County outfalls.

Additionally, we believe that the MS4 Permit Part III.A.2.c through Part III.A.2.e requirements do not apply to Boulder County. The 2011 TMDL has been a complex issue for Boulder County to sort through and determine how it applies to us. We would welcome further discussion with CDPHE to make sure we are aligned with your goals for water quality protection and expectations for improving the Boulder Creek *E. coli* TMDL segment.

If you have any questions about anything in this memorandum, please contact Scott Coulson directly at 303-441-1157 or via email at scoulson@bouldercounty.org.

CERTIFICATION

"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."

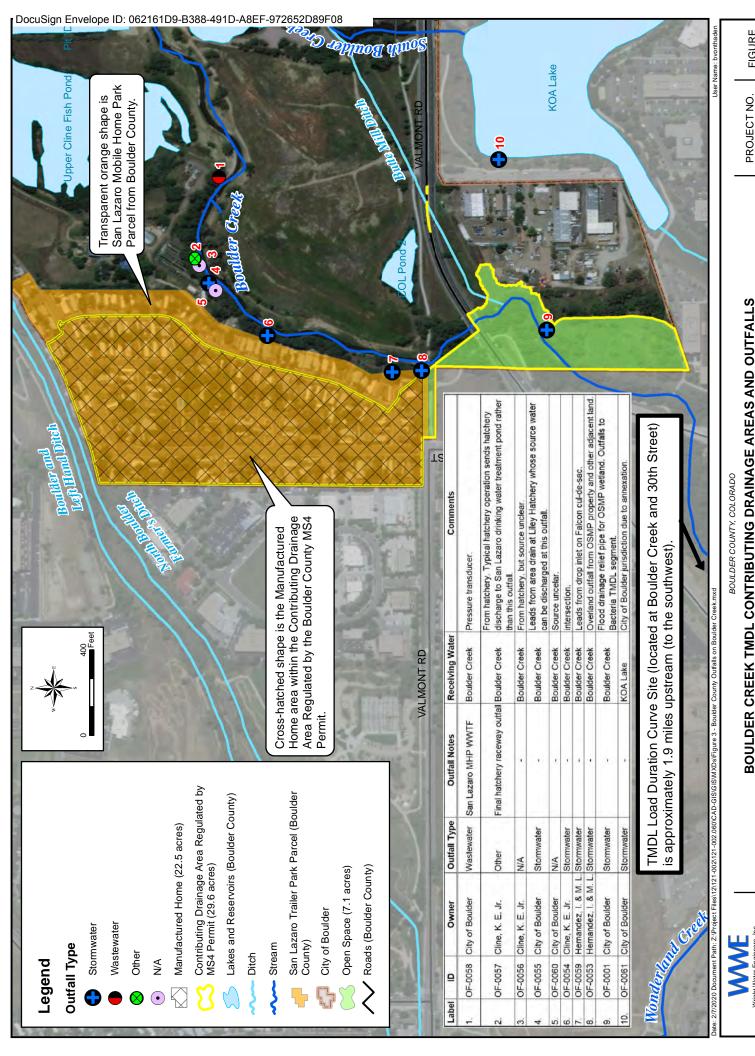
Matt Jones

Signature of Permittee (Legal Contact, Original Ink Signature)

02/16/2021

Date Signed

cc: Boulder County Public Health Water Quality Program Coordinator Erin Dodge MS4 Permit file



PROJECT NO. 121-002-060

FIGURE

BOULDER COUNTY

Wright Water Engineers, Inc. 2490 W. 26th Ave., Ste.100-A Denver, CO 80211 (303) 480-1700 ph

Figure 2: Flatirons, Inc. 2006 Survey

ALTA/ACSM Land Title Survey

Of Parcel A being part of Sections 21 and 22, and Parcel B being part of Section 22, Township 1 North, Range 70 West, of the 6th P.M., Boulder County, Colorado.

Sheet 1 of 2

1) CHICAGO TITLE COMPANY OF COLORADO, INC. COMMITMENT NUMBER 1398954, DATED SEPTEMBER 9, 2004 AT 7:30 A.M., WAS ENTIRELY RELIED UPON FOR RECORDED INFORMATION REGARDING RIGHTS-OF-WAY. EASEMENTS AND ENCUMBRANCES IN THE PREPARATION OF THIS SURVEY. THE PROPERTY SHOWN AND DESCRIBED HEREON IS ALL OF THE PROPERTY DESCRIBED IN SAID TITLE COMMITMENT.

2) ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION

3) THIS ALTA/ACSM LAND TITLE SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF SAN LAZARO PARK PROPERTIES, L.L.P., A LIMITED LIABILITY PARTNERSHIP, CHICAGO TITLE COMPANY OF COLORADO, INC. AND WASHINGTON MUTUAL NAMED IN THE STATEMENT HEREON. SAID STATEMENT DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESS STATEMENT BY THE SURVEYOR NAMING SAID PERSON.

4) THIS SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR.

5) BASIS OF BEARINGS: NORTH 89'52'50" EAST, BETWEEN THE FOUND 2-1/2" ALUMINUM CAP (ILLEGIBLE) AT THE SOUTHEAST CORNER OF SECTION 21 AND THE FOUND 2-1/2" ALUMINUM CAP (ILLEGIBLE) AT THE SOUTH 1/4 CORNER OF SECTION 22. ALL BEARINGS CONTAINED HEREON ARE RELATIVE THERETO.

6) FLOOD INFORMATION: FLOOD INFORMATION: THE SUBJECT PROPERTY IS CURRENTLY LOCATED IN ZONE X: (UNSHADED), AREAS DETERMINED TO BE OUTSIDE THE 500 YEAR FLOOD PLAIN: AND ZONE AE: AREAS OF 100 YEAR FLOODING WHERE THE BASE FLOOD ELEVATIONS HAVE BEEN DETERMINED, ACCORDING TO THE FEMA FLOOD INSURANCE RATE MAP; MAP NUMBER 08013C0415 F. DATED JUNE 2, 1995. FLOOD INFORMATION IS SUBJECT TO CHANGE.

7) DATES OF FIELD WORK: ORIGINAL FILED WORK JULY 7-20, 1995 (FSI JOB#95-27,069. UPDATED OCTOBER 13, 2004

8) THE LOCATIONS FOR UNDERGROUND UTILITIES ARE BASED UPON VISIBLE SURFACE EVIDENCE AND MAPS PROVIDED BY THE APPROPRIATE UTILITY COMPANIES AND MUNICIPALITIES. LOCATIONS OF UNDERGROUND UTILITIES AND STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES AND STRUCTURES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE BURIED UTILITIES AND STRUCTURES. ALL UNDERGROUND UTILITIES MUST BE FIELD LOCATED BY THE APPROPRIATE AGENCY OR UTILITY COMPANY PRIOR TO ANY EXCAVATION, PURSUANT TO C.R.S. SEC. 9-1.5-103.

9) ALL IMPROVEMENTS WITHIN 5 FEET OF AN EXTERIOR BOUNDARY LINE AND OTHER IMPROVEMENTS ACROSS THE EXTERIOR BOUNDARY LINE ARE SHOWN. AT THE CLIENTS REQUEST, MOST INTERIOR STREETS, TRAILERS AND OTHER INTERIOR IMPROVEMENTS WERE NOT SURVEYED OR SHOWN, EXCEPT WHERE THEY ENCROACH ON THE EXTERIOR BOUNDARY LINES AND LOCATABLE EASEMENTS. SPECIFIED IMPROVEMENTS, SUCH AS THE OFFICE, WERE SURVEYED AND ARE SHOWN HEREON.

10) ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT AND/OR BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE C.R.S. SEC 18-4-508.

11) THE TOTAL NUMBER OF STRIPED PARKING SPACES IS 7. THE REQUIRED NUMBER IS NOT SPECIFIED BY BOULDER COUNTY PLANNING DEPARTMENT

12) ACCORDING TO THE ENVIRONMENTAL ASSESSMENT PREPARED BY ECKLAND CONSULTANTS, INC., ON JUNE 22, 1995, THE SUBJECT SITE DOES NOT CONTAIN IDENTIFIED WETLANDS. (PLEASE NOTE FLOOD ZONE AE AT SOUTHEASTERLY CORNER OF

13) THE SUBJECT PROPERTY (PARCEL A & B) HAS A TOTAL OF 1,253,850 SQUARE FEET (28.79 ACRES) MORE OR LESS.

14) THE ROADS SHOWN ON THE SUBJECT PROPERTY HAVE BEEN DIGITIZED FROM A COPY OF THE CANNON SURVEYING "BOUNDARY SURVEY", JOB NO. 90-1385, DATED 4/30/90 AND DO NOT NECESSARILY REPRESENT THE EXACT POSITION, SIZE OR COMPOSITION OF THE ROADS AS THEY ARE BUILT.

15) THE UTILITY CONNECTIONS SHOWN CROSSING THE BOUNDARY LINES OF THE SUBJECT PROPERTY ARE SOLELY BASED ON MAPS PROVIDED BY THE APPROPRIATE UTILITY MUNICIPALITIES AND DO NOT NECESSARILY REPRESENT THE EXACT LOCATION AND SIZE OF THE UTILITIES AS THEY ARE BUILT. FOR ANY QUESTIONS REGARDING UTILITIES PLEASE CONTACT THE APPROPRIATE MUNICIPALITIES.

16) THE EASEMENT SHOWN AS EXCEPTION NO. 11 IN THE TITLE COMMITMENT IS A BLANKET EASEMENT AND HAS NO SPECIFIC LOCATION AS NOTED ON THE SURVEY.

17) AT THE TIME OF THIS SURVEY THERE WERE A MAXIMUM OF 213 VISIBLE AND APPROVED MOBILE HOME SITES ON THE SUBJECT PROPERTY.

18) THERE ARE APPROXIMATELY 13 MOBILE HOMES EXTENDING INTO THE ACCESS EASEMENT ALONG THE NORTHEASTERLY LINE. SAID ACCESS EASEMENT MAY NOT HAVE BEEN INTENDED TO EXTEND SO FAR TO THE NORTH. THE DOCUMENT RECORDED ON FILM 824 AS RECEPTION NO. 072549 SEEMS TO INDICATE SAID EASEMENT WOULD EXIST WHERE THE EXISTING ACCESS ROAD TO THE HATCHERY WAS LOCATED.

NOTES (CONT.):

19) THE SUBJECT PROPERTY IS CURRENTLY IN BUILDING ZONE MH (MOBILE HOME PARK) ACCORDING TO THE LETTER FROM DENISE GRIMM OF BOULDER COUNTY LAND USE TO MARY ALLENSWORTH OF TRIDENT REAL ESTATE SERVICES, DATED NOVEMBER 24, 1995. THE SETBACKS, ALSO ACCORDING TO THE LETTER, ARE AS FOLLOWS: FRONT=25 FEET, SIDE=7 FEET AND REAR=15', THE ABOVE DESCRIBED LETTER IS INCORPORATED AS PART OF THIS SURVEY.

20) AT THE TIME THE FIELD WORK WAS BEING DONE FOR THIS SURVEY A SIGN WAS POSTED AT THE FRONT ENTRANCE OF THE MOBILE HOME PARK GIVING NOTICE THAT THE ROADS WITHIN THE PARK ARE PRIVATE PROPERTY.

21) THERE ARE A TOTAL OF 80 MOBILE HOME TRAILERS ALONG THE EXTERIOR BOUNDARIES, SOME OR ALL OF THEM MAY EXTEND INTO THE BUILDING SETBACKS.

22) WE HAVE RELIED UPON A LETTER FROM DENISE GRIMM OF BOULDER COUNTY LAND USE TO MARY ALLENSWORTH OF TRIDENT REAL ESTATE SERVICES, DISCUSSING ZONING ORDINANCES OF THE SUBJECT PROPERTY, DATED NOV. 24, 1995 IN MAKING THE CERTIFICATION OF THIS SURVEY AND SAID LETTER IS HEREBY INCORPORATED AS PART OF THE CERTIFICATION. ACCORDING TO SAID LETTER THE PERMITTED AND CURRENT USE IS FOR A MOBILE HOME PARK AND TO HER KNOWLEDGE, THE PROPERTY PRESENTLY COMPLIES WITH THE APPLICABLE PROVISIONS OF THE LAND USE CODE AND THE SITE PLAN FOR THE PROPERTY.

23) THE SETBACK LINES, THOUGH PART OF THE ZONING CODE, DO NOT APPLY TO THE PROPERTY PER THE CITY'S ACCEPTANCE OF A SPECIAL SITE DEVELOPMENT PLAN.

24) THE FOLLOWING DOCUMENTS ARE MENTIONED IN THE ABOVE REFERENCED TITLE COMMITMENT AND APPEAR TO AFFECT THE SUBJECT PROPERTY BUT CANNOT BE SHOWN GRAPHICALLY. THE FOLLOWING LIST CONTAINS THE TITLE COMMITMENT EXCEPTION NUMBER, DATE RECORDED, RECEPTION NUMBER AND/OR BOOK AND PAGE.

09.	NONE GIVEN	NONE GIVEN	ANY RIGHTS, INTEREST, OR EASEMENTS IN FAVOR OF THE UNITED STATES, THE STATE OF COLORADO OR THE PUBLIC WITH RESPECT TO THE LEFTHAND DITCH AND THE NORTH BOULDER FARMER'S DITCH
20.	JAN 30, 1990	REC. No. 1025762	TERMS, CONDITIONS, PROVISIONS, AGREEMENTS AND OBLIGATIONS SPECIFIED UNDER THE PUBLIC EXTENSION REIMBURSEMENT AGREEMENT
23.	JUL 12, 1994	REC. No. 14475207	TERMS, CONDITIONS, PROVISIONS, AGREEMENTS AND OBLIGATIONS SPECIFIED UNDER THE AGREEMENT FOR TEMPORARY WASTEWATER CONNECTION
24.	SEP 28, 1999		RESTRICTIONS IMPOSED BY THE RESOLUTION 99-150

25) THE FOLLOWING DOCUMENTS ARE MENTIONED IN THE ABOVE REFERENCED TITLE COMMITMENT BUT DO NOT APPEAR TO AFFECT THE SUBJECT PROPERTY. THE FOLLOWING LIST CONTAINS THE TITLE COMMITMENT EXCEPTION NUMBER, DATE RECORDED, RECEPTION NUMBER AND/OR BOOK AND

17.	JAN 30, 1990	REC. No. 1025758	TERMS, CONDITIONS, PROVISIONS, AGREEMENTS AND OBLIGATIONS SPECIFIED UNDER THE AVIGATION EASEMENT
18.	JAN 30, 1990	REC. No. 1025760	TERMS, CONDITIONS, PROVISIONS, AGREEMENTS AND OBLIGATIONS SPECIFIED UNDER THE OPEN SPACE SCENIC TRAIL EASEMENT
19.	JAN 30, 1990	REC. No. 1025761	TERMS, CONDITIONS, PROVISIONS, AGREEMENTS AND OBLIGATIONS SPECIFIED UNDER THE ANNEXATION

SURVEYOR'S CERTIFICATE:

TO SAN LAZARO PARK PROPERTIES, L.L.P., A LIMITED LIABILITY PARTNERSHIP, CHICAGO TITLE COMPANY OF COLORADO, INC. AND WASHINGTON MUTUAL:

AGREEMENT

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE UNDER MY DIRECT SUPERVISION (i) IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA, ACSM AND NSPS IN 1999, AND INCLUDES ITEMS NO OF TABLE A THEREOF, AND (ii) PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA, NSPS AND ACSM AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, PROPER FIELD PROCEDURES, INSTRUMENTATION, AND ADEQUATE SURVEY PERSONNEL WERE EMPLOYED IN ORDER TO ACHIEVE RESULTS COMPARABLE TO THOSE OUTLINED IN THE "MINIMUM ANGLE, DISTANCE, AND CLOSURE REQUIREMENTS FOR SURVEY MEASUREMENTS WHICH CONTROL LAND BOUNDARIES FOR ALTA/ACSM LAND TITLE SURVEYS".

KLAT FSI JOB NO. 04-47,252 XADO P.L.S. #16406 PRESIDENT-FLATIRONS, INC.

> ALTA/ACSM LAND TITLE SURVEY PREPARED FOR SAN LAZARO PARK PROPERTIES OTHERS (SEE NOTE #3)

DRAWN BY. M. VOYLES OCTOBER 15, 2004 04 - 47,252

10FZ

3825 IRIS AVENUE, SUITE 100 BOULDER, CO 80301 PHONE: (303) 443-7001 FAX: (303) 443-9830 www.flatsurv.com

Flatirons, Inc.

DWY 7/01/0

REVISIONS:

CHECKED BY

JZG/WW 10/15/4

COPYRIGHT 2006 FLATIRONS, INC.

PARCEL DESCRIPTION:

(PROVIDED BY CHICAGO TITLE COMPANY OF COLORADO, INC.)

ALL THAT PORTION OF SECTIONS 21 AND 22, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 21; THENCE SOUTH 89 DEGREES 55 MINUTES 40 SECONDS WEST, ALONG THE SOUTH LINE OF SAID SECTION 21, A DISTANCE OF

164.60 FEET TO THE SOUTHWEST CORNER OF THE EAST 5 ACRES OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THENCE NORTH O DEGREES 20 MINUTES OD SECONDS WEST, ALONG THE WEST LINE OF SAID EAST 5 ACRES, A DISTANCE OF 1328.89 FEET TO THE NORTHWEST CORNER OF THE SAID EAST 5 ACRES; THENCE NORTH 89 DEGREES 53 MINUTES 30 SECONDS EAST, ALONG THE NORTH LINE OF THE SAID EAST 5 ACRES, A DISTANCE OF 2.92 FEET TO THE SOUTHWEST CORNER OF PARCEL 2 AS DESCRIBED IN WARRANTY DEED RECORDED IN BOOK 1101 AT PAGE 190, BOULDER COUNTY RECORDS; THENCE ALONG THE WEST AND NORTHWEST SIDES OF SAID PARCEL 2 AS FOLLOWS: NORTH OO DEGREES 21 MINUTES 15 SECONDS EAST, 209.50 FEET; THENCE NORTH 71 DEGREES 37 MINUTES 25 SECONDS EAST, 166.98 FEET TO THE WEST LINE OF SAID SECTION 22; THENCE NORTH O DEGREES 20 MINUTES 50 SECONDS WEST, ALONG THE WEST LINE OF SAID SECTION 22, A DISTANCE OF 11.15

FEET TO THE TOP OF THE SOUTH BANK OF THE NORTH BOULDER FARMER'S DITCH: THENCE NORTHEASTERLY ALONG THE TOP OF SAID DITCH BANK AS FOLLOWS:

NORTH 70 DEGREES 49 MINUTES 10 SECONDS EAST, 171.82 FEET; NORTH 69 DEGREES 39 MINUTES 10 SECONDS EAST, 188.52 FEET NORTH 63 DEGREES 22 MINUTES 40 SECONDS EAST, 183.40 FEET

NORTH 54 DEGREES 14 MINUTES 10 SECONDS EAST, 126.45 FEET; NORTH 66 DEGREES 15 MINUTES 10 SECONDS EAST, 104.34 FEET;

NORTH 47 DEGREES 58 MINUTES 10 SECONDS EAST, 61.95 FEET; THENCE DEPARTING FROM SAID DITCH BANK, SOUTH OO DEGREES 20 MINUTES 50 SECONDS EAST, 813.73 FEET;

THENCE SOUTH 30 DEGREES 35 MINUTES 10 SECONDS WEST, 28.35 FEET THENCE SOUTH 45 DEGREES 21 MINUTES 10 SECONDS WEST, 192.47 FEET; THENCE SOUTH 19 DEGREES 13 MINUTES 40 SECONDS WEST, 274.17 FEET

THENCE SOUTH 18 DEGREES 51 MINUTES 40 SECONDS WEST, 112.73 FEET; THENCE SOUTH 03 DEGREES 20 MINUTES 40 SECONDS WEST, 59.71 FEET TO A POINT ON THE WESTERLY LINE OF THAT TRACT OF LAND DESCRIBED IN BOOK 1271 AT PAGE 42: THENCE SOUTH 14 DEGREES 18 MINUTES 04 SECONDS WEST, 187.78 FEET ALONG SAID WESTERLY LINE TO THE MOST SOUTHERLY

CORNER OF SAID TRACT OF LAND; THENCE SOUTH 27 DEGREES 40 MINUTES 50 SECONDS WEST, 128.00 FEET; THENCE SOUTH 5 DEGREES 26 MINUTES 10 SECONDS EAST, 270.00 FEET TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF

THENCE SOUTH 89 DEGREES 55 MINUTES 40 SECONDS WEST, ALONG THE SOUTH LINE OF SAID SECTION 22, A DISTANCE OF TOGETHER WITH THAT PORTION OF THE VACATED RIGHT OF WAY OF VALMONT ROAD AS DESCRIBED IN THE DEED RECORDED NOVEMBER 19, 1999 AT RECEPTION NO. 200803 TOGETHER WITH A NON-EXCLUSIVE EASEMENT AND RIGHT OF USE IN AND TO THE FOLLOWING DESCRIBED PROPERTIES

WATER TANK SITE EASEMENT:

A CIRCULAR TRACT OF LAND LOCATED IN THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 21, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M. COUNTY OF BOULDER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 21 FROM WHICH THE SOUTHEAST CORNER OF SAID SECTION 21 BEARS SOUTH OO DEGREES 20 MINUTES 50 SECONDS EAST, 2658.12 FEET, THENCE SOUTH 00 DEGREES 20 MINUTES 50 SECONDS EAST, 728.00 FEET ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 21: THENCE SOUTH 89 DEGREES 39 MINUTES 10 SECONDS WEST, 193.58 FEET TO THE TRUE POINT OF BEGINNING, FROM WHICH THE RADIUS POINT OF SAID CIRCULAR TRACT OF LAND BEARS SOUTH 89 DEGREES 39 MINUTES 10 SECONDS WEST, 40.00

THENCE SOUTHWESTERLY, NORTHWESTERLY, NORTHEASTERLY AND SOUTHEASTERLY, 251.33 FEET ALONG THE ARC OF A CURVE TO THE RIGHT TO THE TRUE POINT OF BEGINNING, SAID ARC HAVING A RADIUS OF 40.00 FEET AND A CENTRAL ANGLE OF 360 DEGREES OO MINUTES OO SECONDS.

WATERLINE EASEMENT:

A STRIP OF LAND 15.00 FEET IN WIDTH LOCATED IN THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 21 AND IN THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 22, ALL IN TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M. COUNTY OF BOULDER, STATE OF COLORADO, THE SOUTHERLY END OF SAID STRIP OF LAND ABUTTING THE NORTHWESTERLY LINE OF THAT TRACT OF LAND AS DESCRIBED IN DEED RECORDED ON FILM 656 AS RECEPTION NO. 901472 OF THE RECORDS OF BOULDER COUNTY, COLORADO, SAID STRIP OF LAND BEING 7.50 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 21, FROM WHICH THE SOUTHEAST CORNER OF SAID SECTION 21 BEARS SOUTH OO DEGREES 20 MINUTES 50 THENCE SOUTH OO DEGREES 20 MINUTES 50 SECONDS EAST, 754.48 FEET ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 21 THENCE SOUTH 89 DEGREES 39 MINUTES 10 SECONDS WEST, 221.69 FEET TO THE

TRUE POINT OF BEGINNING; THENCE NORTH 82 DEGREES 25 MINUTES OF SECONDS EAST, 41.87 FEET THENCE SOUTH 03 DEGREES 00 MINUTES 00 SECONDS WEST, 86.01 FEET; THENCE NORTH 89 DEGREES 50 MINUTES 54 SECONDS EAST, 197.91 FEET; THENCE SOUTH OO DEGREES 48 MINUTES OO SECONDS EAST, 161.09 FEET; THENCE SOUTH 26 DEGREES 00'00" EAST, 51.92 FEET TO THE NORTHWESTERLY LINE OF THAT TRACT OF LAND DESCRIBED ON SAID FILM 656 AS RECEPTION NO. 901472

WATER TANK SITE ACCESS EASEMENT:

AND THE POINT OF TERMINATION.

POINT OF TERMINATION;

A STRIP OF LAND 15.00 FEET IN WIDTH LOCATED IN THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 21, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, SAID STRIP OF LAND BEING 7.50 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 21 FROM WHICH THE SOUTHEAST CORNER OF SAID SECTION 21 BEARS SOUTH 00 DEGREES 20 MINUTES 50 SECONDS EAST, 2658.12 FEET: THENCE SOUTH OO DEGREES 20 MINUTES 50 SECONDS EAST, 149.62 FEET ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 21; THENCE SOUTH 49 DEGREES 39 MINUTES 24 SECONDS WEST, 431.11 FEET TO THE TRUE POINT OF REGINNING THENCE SOUTH 40 DEGREES 20 MINUTES 36 SECONDS EAST, 292.96 FEET THENCE SOUTH 49 DEGREES 39 MINUTES 24 SECONDS WEST, 81.00 FEET TO THE

AND A STRIP OF LAND 15.00 FEET IN WIDTH EXTENDING NORTHWESTERLY AND SOUTHWESTERLY TO THE EASTERLY LINE OF LOTS 2 AND 3, AIRPORT SOUTH, ACCORDING TO THE RECORDED PLAT THEREOF, LOCATED IN THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 21. TOWNSHIP 1 NORTH. RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, SAID STRIP OF LAND BEING 7.50 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 21 FROM WHICH THE SOUTHEAST CORNER OF SAID SECTION 21 BEARS SOUTH 00 DEGREES 20 MINUTES 50 SECONDS EAST, 2658.12 FEET; THENCE SOUTH OO DEGREES 20 MINUTES 50 SECONDS EAST, 149.62 FEET ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 21; THENCE SOUTH 49 DEGREES 39 MINUTES 24 SECONDS WEST, 431.11 FEET TO THE TRUE POINT OF BEGINNING THENCE NORTH 40 DEGREES 20 MINUTES 36 SECONDS WEST, 34.00 FEET; THENCE SOUTH 49 DEGREES 39 MINUTES 24 SECONDS WEST, 145.83 FEET TO A POINT OF CURVE TO THE RIGHT; THENCE SOUTHWESTERLY, 353.74 FEET ALONG THE ARC OF SAID CURVE TO A POINT

OF TANGENT, SAID ARC HAVING A RADIUS OF 504.00 FEET, A CENTRAL ANGLE OF 40 DEGREES 12 MINUTES 51 SECONDS AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 69 DEGREES 45 MINUTES 50 SECONDS WEST, 346.53 FEET; THENCE SOUTH 89 DEGREES 52 MINUTES 15 SECONDS WEST, 10.25 FEET TO THE EASTERLY LINE OF SAID LOT 2 AND THE POINT OF TERMINATION. FROM WHICH THE SOUTHEAST CORNER OF SAID LOT 2 BEARS SOUTH 00 DEGREES 20 MINUTES 50 SECONDS EAST, 3.00 FEET.

PUMP HOUSE AND WATER SUPPLY POND:

MORE OR LESS, TO THE POINT OF BEGINNING.

BEGINNING AT THE SOUTHEAST CORNER OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 22: THENCE NORTHERLY ALONG THE EAST LINE OF THE SAID WEST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTH WEST 1/4, A DISTANCE OF 100.00 FEET; THENCE WEST, A DISTANCE OF 350,00 FEET: THENCE SOUTH, A DISTANCE OF 350.00 FEET THENCE EAST, A DISTANCE OF 350.00 FEET, MORE OR LESS, TO THE EAST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID

THENCE NORTHERLY, ALONG THE SAID EAST LINE, A DISTANCE OF 250.00 FEET,

PIPE LINE EASEMENT FROM TRAILER COURT SITE TO PUMP HOUSE:

not to scale

AN EASEMENT 20 FEET IN WIDTH, 10 FEET ON EITHER SIDE OF THE FOLLOWING DESCRIBED LINE:

Vicinity Map

VALMONT RD.

ARAPAHOE AVE

COMMENCING AT THE NORTHEAST CORNER OF THAT PROPERTY DESCRIBED IN DEED OF TRUST RECORDED ON FILM 599 AS RECEPTION NO. 843069, BOULDER COUNTY THENCE SOUTH OD DEGREES 20 MINUTES 50 SECONDS EAST, ALONG THE EAST LINE OF THE ABOVE MENTIONED RECORDED PROPERTY, A DISTANCE OF 149.00 FEET, MORE OR LESS. TO THE CENTERLINE OF AN 8 INCH CAST IRON PIPE LINE, THE IRON PIPE LINE AS FOLLOWS: NORTH 60 DEGREES EAST, 14.5 FEET TO A POINT OF CURVE TO THE LEFT; THENCE ALONG THE ARC OF THE CURVE, SAID CURVE HAVING A DELTA ANGLE OF 20 DEGREES 31 MINUTES AND A RADIUS OF 818.8 FEET, A DISTANCE OF 293.2 FEET TO THE END OF SAID CURVE:

THENCE NORTH 39 DEGREES 29 MINUTES EAST, 477.3 FEET TO A POINT OF CURVE TO THE LEFT; THENCE ALONG THE ARC OF THE CURVE, SAID CURVE HAVING A DELTA ANGLE OF 13 DEGREES, MORE OR LESS, AND A RADIUS OF 737.8 FEET, A DISTANCE OF 167 00 FEET, MORE OR LESS, TO A BEND: THENCE SOUTH 83 DEGREES EAST, MORE OR LESS, A DISTANCE OF 257.00 FEET,

MORE OR LESS. TO THE WELL HOUSE. SEWER TREATMENT PLANT SITE:

COMMENCING AT THE NORTHEAST CORNER OF THAT PROPERTY DESCRIBED IN DEED OF TRUST RECORDED ON FILM 599 AS RECEPTION NO. 843069 OF THE BOULDER COUNTY RECORDS; THENCE SOUTH OO DEGREES 20 MINUTES 50 SECONDS EAST, A DISTANCE OF 944.52 FEET: THENCE NORTH 66 DEGREES 25 MINUTES 50 SECONDS EAST. A DISTANCE OF 176.00 FEET: THENCE NORTH 85 DEGREES 40 MINUTES 50 SECONDS EAST, A DISTANCE OF 195.00 FEET THENCE SOUTH 48 DEGREES 54 MINUTES 10 SECONDS EAST, A DISTANCE OF 55.00 FEET TO THE TRUE POINT OF BEGINNING:

THENCE NORTH 32 DEGREES 12 MINUTES EAST, A DISTANCE OF 200,00 FEET: THENCE SOUTH 57 DEGREES 48 MINUTES EAST, A DISTANCE OF 210.00 FEET; THENCE SOUTH 32 DEGREES 12 MINUTES WEST, A DISTANCE OF 200.00 FEET. MORE OR LESS. TO THE SOUTH LINE OF THAT PROPERTY DESCRIBED IN WARRANTY DEED RECORDED ON FILM 592 AT RECEPTION NO. 837231, BOULDER COUNTY RECORDS: THENCE ALONG SAID SOUTH LINE, NORTH 75 DEGREES 58 MINUTES 57 SECONDS WEST, A DISTANCE OF 83.00 FEET, MORE OR LESS: THENCE NORTH 48 DEGREES 54 MINUTES 10 SECONDS WEST, A DISTANCE OF 134.00 FEET TO THE TRUE POINT OF BEGINNING.

PIPE LINE EASEMENT FROM TRAILER COURT SITE TO SEWER PLANT SITE:

AN EASEMENT 20 FEET WIDE, 10 FEET ON EITHER SIDE OF THE FOLLOWING COMMENCING AT THE NORTHEAST CORNER OF THAT PROPERTY DESCRIBED IN DEED OF TRUST RECORDED ON FILM 599 AS RECEPTION NO. 843069 OF THE BOULDER COUNTY RECORDS: THENCE SOUTH OO DEGREES 20 MINUTES 50 SECONDS EAST, ALONG THE EAST LINE OF THE ABOVE MENTIONED RECORDED PROPERTY. A DISTANCE OF 738.00 FEET, MORE OR LESS, TO THE CENTERLINE OF THE SEWER

THENCE ALONG THE CENTERLINE OF THE SAID SEWER PIPE LINE, NORTH 61 DEGREES 56 MINUTES EAST, A DISTANCE OF 170.00 FEET, MORE OR LESS. TO A THENCE. THE EASEMENT WIDENING TO 25 FEET ON EITHER SIDE OF THE SAID SEWER PIPE LINE, SOUTH 57 DEGREES 48 MINUTES EAST, ALONG THE CENTERLINE OF THE SAID SEWER PIPE LINE, A DISTANCE OF 340.00 FEET, MORE OR LESS, TO THE ABOVE DESCRIBED SEWER PLANT SITE.

PARCEL B:

THAT STRIP OF LAND LOCATED IN THAT TRACT OF LAND CONVEYED TO ASSOCIATES OF SAN LAZARO AS DESCRIBED IN PARCEL B IN WARRANTY DEED RECORDED ON FILM 1160 AS RECEPTION NO. 440504 OF THE RECORDS OF BOULDER COUNTY, COLORADO, IN THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 22, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M. COUNTY OF BOULDER, STATE OF COLORADO, DESCRIBED AS FOLLOWS: BEGINNING AT THE MOST SOUTHERLY CORNER OF SAID PARCEL B. THENCE NORTH 60 DEGREES ON MINUTES ON SECONDS EAST, 8.81 FEET ALONG THE SOUTHEASTERLY LINE OF SAID PARCEL B TO A POINT OF CURVE TO THE LEFT: THENCE NORTHEASTERLY, 67.56 FEET ALONG THE SOUTHEASTERLY LINE OF SAID PARCEL B AND ALONG THE ARC OF SAID CURVE, SAID ARC HAVING A RADIUS OF 808.80 FEET, A CENTRAL ANGLE OF 4 DEGREES 47 MINUTES 10 SECONDS AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 57 DEGREES 36 MINUTES 25 SECONDS EAST. 67.54 FEET: THENCE NORTH 24 DEGREES 19 MINUTES 30 SECONDS WEST, 52.43 FEE THENCE NORTH 25 DEGREES 20 MINUTES 30 SECONDS WEST, 68.53 FEET THENCE SOUTH 52 DEGREES 55 MINUTES 00 SECONDS WEST, 18.27 FEET TO THE WEST LINE OF THENCE SOUTH OO DEGREES 20 MINUTES 50 SECONDS EAST, 139.29 FEET ALONG THE WEST LINE OF SAID PARCEL B TO THE POINT OF BEGINNING.

> DEPOSITING CERTIFICATE: SUBMITTED TO BOULDER COUNTY LAND USE FOR RECORDING

ON THIS ETH DAY OF FEBRUARY, 2006

LS.06.0032

SHEET 1 OF 2

