



# Public Health

Environmental Health Division

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](mailto: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,

A handwritten signature in black ink, appearing to read "Scott Coulson".

Scott Coulson, CFM  
Stormwater Quality Program Manager

cc: Erin Dodge, Boulder County Public Health



# COLORADO

Department of Public  
Health & Environment

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

## COR090000 Renewal Permittees

### Annual Report Form

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

<b>Part 1: Permit Identification</b>  General Permit Number: COR090000 Certification Number: COR09 090020	<b>Part B: Reporting Period Jan 1 through Dec 31</b> (Check one. Report is due by March 10 of the following year.) <input type="checkbox"/> 2017 <input type="checkbox"/> 2018 <input type="checkbox"/> 2019 <input checked="" type="checkbox"/> 2020 <input type="checkbox"/> 2021
<b>Part 2: Permittee Information</b> (If there are any changes, please submit a <a href="#">Change of Contacts form</a> ) Organization: <u>Boulder County</u> Mailing Address: <u>Board of County Commissioners</u> <u>P.O. Box 471</u> City: <u>Boulder</u> State: <u>CO</u> Zip: <u>80306</u>	
<b>Part 3: Site Contact Information</b> (If there are any changes, please submit a <a href="#">Change of Contacts form</a> ) Facility Contact Name: <u>Scott Coulson</u> Title: <u>Stormwater Quality Program Manager</u> Telephone No: <u>303-441-1157</u> Email Address: <u>scoulson@bouldercounty.org</u>	
<b>Part 4: Facility Information</b> Have any areas been added or removed from the permit area due to annexation or other legal means? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO  If YES, provide the web address for an online map, below, or check "attached" below and <b>attach an updated map</b> labeled as "Part 4" that identifies the jurisdictional boundaries.  Provide the map's web address or indicate if a map is attached (if applicable): <input type="checkbox"/> Attached <u>http://maps.boco.solutions/propertysearch/ - shows real-time updates to jurisdiction by parcel</u>	
<b>Part 5: Notice of Reliance on Third Party</b> 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). <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO  If YES, <b>attach a short narrative</b> 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/Implementation
I.A.3.a.ii(B)	County growth area maps (Part I.A.3.a.ii(B)) - Completed January 1, 2017 Refer to Part I.H of the permit, not a required element for reporting in the annual report.			
I.C.1, and PDD content requirements in Parts I.D and E	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 <b>Attach List to March 10, 2018 Annual Report following completion, labeled as "PART 7.A - Nutrient Targets"</b>	Completed January 1, 2018	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**

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



## 7.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

Boulder County has assessed the implementation of the control measures required by the permit and found the county to be in compliance with the requirements in Part I.E and III, and compliance schedule in Part I.H of the permit. It is Boulder County's understanding that the implementation of control measures consistent with the requirements of the permit constitutes an effective method to achieve 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

Boulder County has assessed the permit and did not identify any permit modifications that may be needed.



**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 DR

**iv. List of the education and outreach activities completed in accordance with Part I.E.1.a.ii. - Education and Outreach Activities Table, referencing the activities in Table 1 of the Permit.**

The permittee must implement at least four education and outreach activities (bulleted items) and at least two must be from the Active and Interactive Outreach column. Check those activities conducted in the table below.

**Passive 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
- Publish article (hard copy or electronic)
- Storm drain marking by permittee staff that maintains 25% of permittee maintained inlets.
- Stormwater related signage
- Web site

**Active and Interactive Outreach Activity**

Check all activities implemented during report year

- 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)
- Promotion of existing local stormwater/environmental events or program that help protect water quality
- Distribute promotional items or giveaways
- 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*

- 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 completed in accordance with Part I.E.1.a.iii. - nutrients and targeted sources**

Provide list below, including the pollutant sources targeted for each activity.

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 unresolved reports/identification of illicit discharges.

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 appropriate for the permittee's own program.

### 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. **\*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 being applicable construction activities in accordance with Part I.E.3.a.i(B) (1) or (2)?  YES  NO

If YES, **attach** a list of the excluded construction sites. Include recordkeeping information required by Part I.E.3.b.i. Label the attachment as "Part 7.F.v Excluded Growth Area Construction."

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





**7.G) Program Elements - Post-Construction Stormwater Management in New Development and Redevelopment Program**

The permittee can define what constitutes an individual "site" and "control measure" for reporting below as appropriate for the permittee's own program.

i. <b>Applicable development sites:</b> Provide the total number of applicable development sites for which control measures were implemented during the reporting period	1
ii. <b>*Long-Term Operation and Maintenance and Post Acceptance Oversight:</b>  *ii.a and ii.b, below, are not required prior to the July 1, 2019 deadline for conducting inspections in accordance with Part I.E.4.a.vii.	
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.	0
ii.b Provide the total number of applicable <u>control measures</u> inspected to ensure compliance with the requirement in Part I.E.4.a.vii.	0
<b>iii. *Excluded Roadway Development Sites:</b> Where any development excluded from being an applicable development site in accordance with the following permit conditions?  Pavement Management: Part I.E.4.a.i(A), except maintenance sites <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Roadway Redevelopment: Part I.E.4.a.i(B) <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Existing Roadway Areas Part I.E.4.a.i(C) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO  If YES to one or more of the above, <b>attach</b> a list of the excluded development sites, identifying which exclusion applied. Include the recordkeeping information required by I.E.4.b.ii. Label the attachment as "Part 7.G.iii Excluded Roadway Development."  *Not required prior to the July 1, 2019 deadline for implementing control measure in accordance with I.E.4.a.iv and exclusion requirements in accordance with I.E.4.a.i	
<b>iv. COUNTY PERMITTEES ONLY</b> <b>*County Growth Area Excluded Development Sites:</b> Where any developments excluded from being applicable development sites in accordance with Part I.E.4.a.i (G)(1)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO  If YES, <b>attach</b> a list of the excluded development sites. Include the recordkeeping information required by I.E.4.a.i (G)(1). Label the attachment as "Part 7.G.iv Excluded Growth Area Development."  *Not required prior to the January 1, 2019 deadline for implementing in growth areas.	

**Part 8: Required Certification Signature [Reg 61.4(1)(h)]**

"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."

Name (Legal Contact):  Matt Jones	Title: Chair, Board County Commissioners
Signature (Original Ink Signature):  <i>Matt Jones</i>	Date signed:  02/16/2021



## Public Health

*Environmental Health Division*

### 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.



# Public Health

## Environmental Health Division

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



# Public Health

## Environmental Health Division

### 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
<b>SWQP-19-018</b>	95th Street Project	Boulder County Public Works (Road Right-of-Way)	9477 Niwot Rd.	11/16/2020	27.3	1.0	Roadway Redevelopment
<b>SWQP-20-010</b>	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
<b>SWQP-20-020</b>	Dyer Road Project	Boulder County Public Works (Road Right-of-Way)	0 Dyer Road	N/A - Ongoing project	2.3	1.3	Roadway Redevelopment



# Public Health

## Environmental Health Division

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.wgrecordscenter@state.co.us](mailto:cdphe.wgrecordscenter@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 Sheet<sup>1</sup> provides important background on this issue as follows (with emphasis added):

<sup>1</sup> Accessible at: [https://www.colorado.gov/pacific/sites/default/files/COR090000-Fact%20sheet\\_1.pdf](https://www.colorado.gov/pacific/sites/default/files/COR090000-Fact%20sheet_1.pdf).

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

1. *The system or conveyance must be owned or operated by the permittee. In other words, the permittee must have jurisdictional control over the system or conveyance. Please see the definition of a permit area since these criteria must also be met. In other words, if the permittee does not own or operate the street or catch basins, 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 13<sup>th</sup> 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 13<sup>th</sup> 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

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**

<b>Reporting Year 5 (2020)</b>				
<b>Number</b>	<b>Name</b>	<b>Description/Notes</b>	<b>Tentative Implementation Target Date</b>	<b>Date of Completion</b>
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.

**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 13<sup>th</sup> 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](mailto: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*

02/16/2021

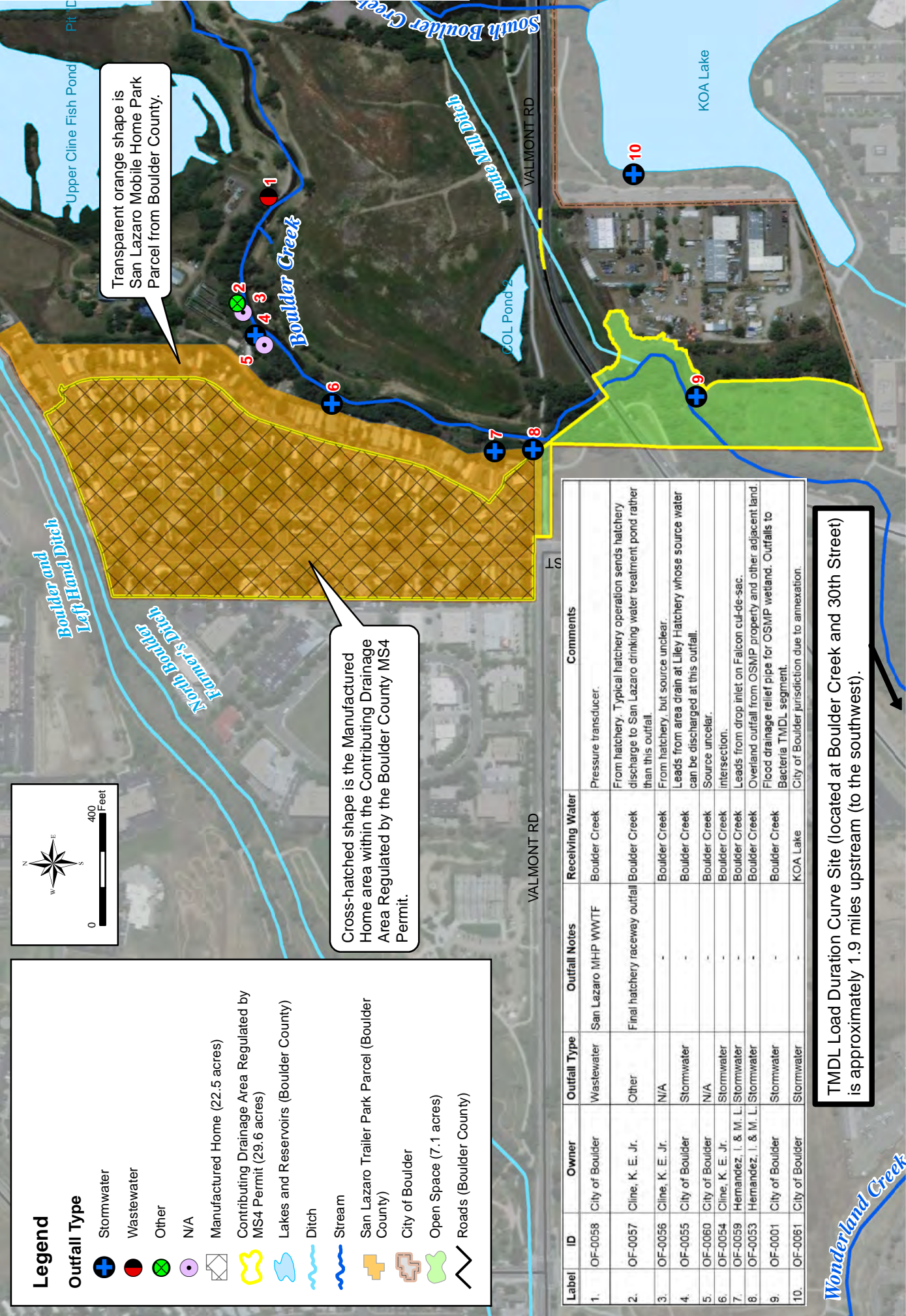
Signature of Permittee (Legal Contact, Original Ink Signature)

Date Signed

cf

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





Transparent orange shape is San Lazaro Mobile Home Park Parcel from Boulder County.

Cross-hatched shape is the Manufactured Home area within the Contributing Drainage Area Regulated by the Boulder County MS4 Permit.

TMDL Load Duration Curve Site (located at Boulder Creek and 30th Street) is approximately 1.9 miles upstream (to the southwest).

**Legend**

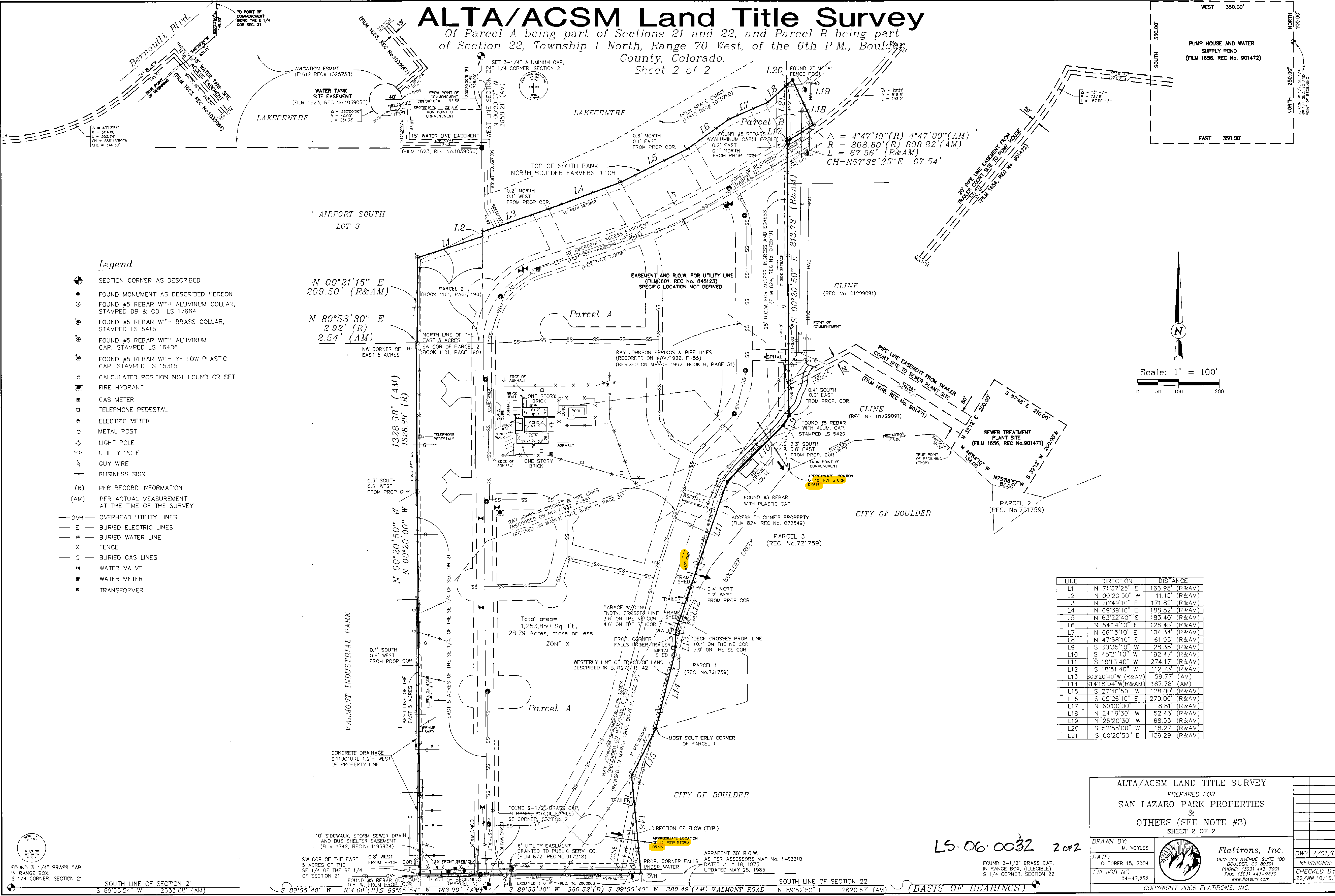
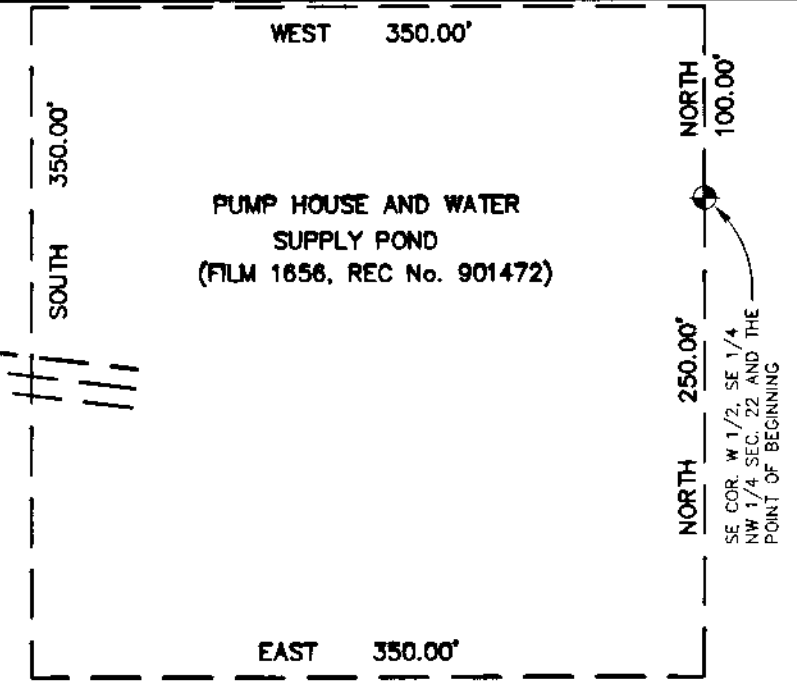
- Outfall Type**
- Stormwater
  - Wastewater
  - Other
  - N/A
  - Manufactured Home (22.5 acres)
  - Contributing Drainage Area Regulated by MS4 Permit (29.6 acres)
  - Lakes and Reservoirs (Boulder County)
  - Ditch
  - Stream
  - San Lazaro Trailer Park Parcel (Boulder County)
  - City of Boulder
  - Open Space (7.1 acres)
  - Roads (Boulder County)

Label	ID	Owner	Outfall Type	Outfall Notes	Receiving Water	Comments
1.	OF-0058	City of Boulder	Wastewater	San Lazaro MHP WWTF	Boulder Creek	Pressure transducer.
2.	OF-0057	Cline, K. E. Jr.	Other	Final hatchery raceway outfall	Boulder Creek	From hatchery. Typical hatchery operation sends hatchery discharge to San Lazaro drinking water treatment pond rather than this outfall.
3.	OF-0056	Cline, K. E. Jr.	N/A	-	Boulder Creek	From hatchery, but source unclear.
4.	OF-0055	City of Boulder	Stormwater	-	Boulder Creek	Leads from area drain at Liley Hatchery whose source water can be discharged at this outfall.
5.	OF-0060	City of Boulder	N/A	-	Boulder Creek	Source unclear.
6.	OF-0054	Cline, K. E. Jr.	Stormwater	-	Boulder Creek	Leads from drop inlet on Falcon cul-de-sac.
7.	OF-0059	Hernandez, I. & M. L.	Stormwater	-	Boulder Creek	Overland outfall from OSMP property and other adjacent land.
8.	OF-0053	Hernandez, I. & M. L.	Stormwater	-	Boulder Creek	Flood drainage relief pipe for OSMP wetland. Outfalls to Bacteria TMDL segment.
9.	OF-0001	City of Boulder	Stormwater	-	Boulder Creek	City of Boulder jurisdiction due to annexation.
10.	OF-0061	City of Boulder	Stormwater	-	KOA Lake	



# 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 2 of 2



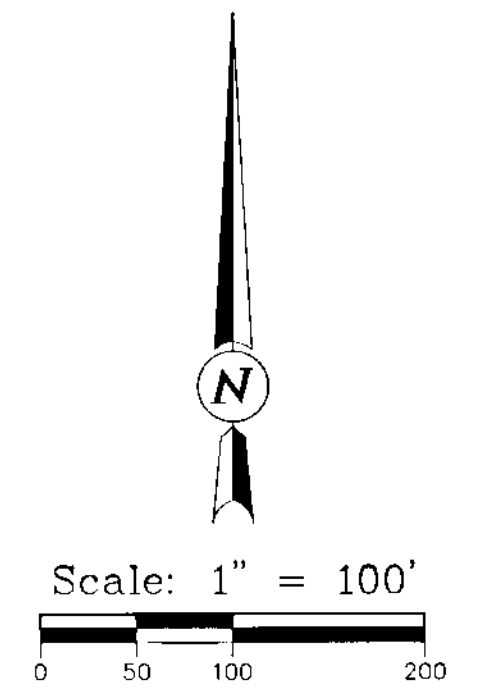
### Legend

- SECTION CORNER AS DESCRIBED
- FOUND MONUMENT AS DESCRIBED HEREON
- FOUND #5 REBAR WITH ALUMINUM COLLAR, STAMPED DB & CO LS 17664
- FOUND #5 REBAR WITH BRASS COLLAR, STAMPED LS 5415
- FOUND #5 REBAR WITH ALUMINUM CAP, STAMPED LS 16406
- FOUND #5 REBAR WITH YELLOW PLASTIC CAP, STAMPED LS 15315
- CALCULATED POSITION NOT FOUND OR SET
- ⊕ FIRE HYDRANT
- ⊕ GAS METER
- ⊕ TELEPHONE PEDESTAL
- ⊕ ELECTRIC METER
- ⊕ METAL POST
- ⊕ LIGHT POLE
- ⊕ UTILITY POLE
- ⊕ GUY WIRE
- ⊕ BUSINESS SIGN
- (R) PER RECORD INFORMATION
- (AM) PER ACTUAL MEASUREMENT AT THE TIME OF THE SURVEY
- OVH— OVERHEAD UTILITY LINES
- E— BURIED ELECTRIC LINES
- W— BURIED WATER LINE
- X— FENCE
- G— BURIED GAS LINES
- ⊕ WATER VALVE
- ⊕ WATER METER
- ⊕ TRANSFORMER

N 00°21'15" E  
209.50' (R&AM)

N 89°53'30" E  
2.92' (R)  
2.54' (AM)

LINE	DIRECTION	DISTANCE
L1	N 71°37'25" E	166.98' (R&AM)
L2	N 00°20'50" W	11.15' (R&AM)
L3	N 70°49'10" E	171.82' (R&AM)
L4	N 69°39'10" E	188.52' (R&AM)
L5	N 63°22'40" E	183.40' (R&AM)
L6	N 54°14'10" E	126.45' (R&AM)
L7	N 66°15'10" E	104.34' (R&AM)
L8	N 47°58'10" E	61.95' (R&AM)
L9	S 30°35'10" W	28.35' (R&AM)
L10	S 45°21'10" W	192.47' (R&AM)
L11	S 19°13'40" W	274.17' (R&AM)
L12	S 18°51'40" W	112.73' (R&AM)
L13	S 03°20'40" W	59.77' (AM)
L14	S 14°16'04" W	187.78' (AM)
L15	S 27°40'50" W	128.00' (R&AM)
L16	S 05°26'10" E	270.00' (R&AM)
L17	N 60°00'00" E	8.91' (R&AM)
L18	N 24°19'30" W	52.43' (R&AM)
L19	N 25°20'30" W	68.53' (R&AM)
L20	S 52°55'00" W	18.27' (R&AM)
L21	S 00°20'50" E	139.29' (R&AM)



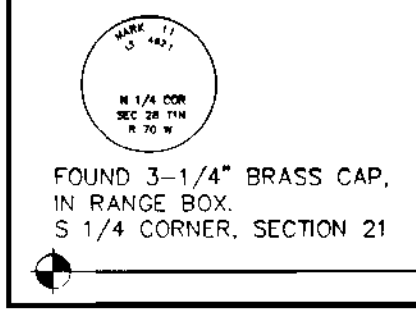
ALTA/ACSM LAND TITLE SURVEY  
 PREPARED FOR  
 SAN LAZARO PARK PROPERTIES  
 &  
 OTHERS (SEE NOTE #3)  
 SHEET 2 OF 2

DRAWN BY: M. VOYLES  
 DATE: OCTOBER 15, 2004  
 FSI JOB NO: 04-47,252

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

DWY 7/01/05  
 REVISIONS:  
 CHECKED BY: JZC/WW 10/15/04

LS-06-0032 2 of 2



SOUTH LINE OF SECTION 21  
 S 89°55'54" W 2633.88' (AM)

S 89°55'40" W 164.60' (R) S 89°55'54" W 163.90' (AM)

S 89°55'40" W 380.52' (R) S 89°55'40" W 380.49' (AM) VALMONT ROAD

SOUTH LINE OF SECTION 22  
 N 89°52'50" E 2620.67' (AM)

(BASIS OF BEARINGS)