

STATE OF COLORADO

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Colorado Department
of Public Health
and Environment

MEMORANDUM

TO: Laurie Rink, Barr Lake/Milton Reservoir Watershed Association
FROM: Joni Nuttle, TMDL Development, Water Quality Control Division
SUBJECT: Water Quality Control Division Response to BMW's letter dated June 4, 2010
DATE: July 19, 2010

This memo addresses issues raised by BMW in a letter dated June 4, 2010. These issues relate to Division comments on the BMW draft TMDL provided in a memo dated March 31, 2010.

Regarding BMW's response to the Division's Section Specific Comments, we appreciate BMW's agreement to address these comments in a later version of the TMDL. Regarding our requirement for a table identifying permitted facilities and associated permit numbers in Section 1.1.4 Point Sources, we acknowledge that the list may not be comprehensive. However, the majority of permitted sources (> 90%) have been identified, as we've indicated several times at meetings. The remaining, and as yet, unidentified sources are relatively minor in comparison. Furthermore, EPA and the Division have stated several times that the minor sources could be lumped within the Waste Load Allocation (WLA) category. To provide further clarification the table required in section 1.1.4 Point Sources should identify all permit numbers for all facilities used in the existing modeling efforts (or in the current study) as reported in tables provided in the draft documents.

Regarding the TMDL in-lake target of 100 ug/L total phosphorus (TP), BMW's response suggests that the Division's comments may have been misinterpreted. The target has been discussed many times verbally as well as in writing (please refer to the Division's comments dated November 23, 2009 and March 31, 2010). The point of our comment was not merely about trophic state, it was about how pH exceedances are likely to occur under hypereutrophic conditions. The Division and EPA have indicated that 100 ug/L TP represents a hypereutrophic condition and may not be approvable because it is unlikely to attain the pH standard.

Please clarify if the in-lake target is intended as an average (seasonal or annual) or summer maximum value, as this point was unclear in the draft the Division reviewed. This question may be resolved if the target is identified as an average with an associated summer maximum (100 ug/L TP) rather than only as a maximum value. A lower and possibly approvable average level has apparently been identified but not included in the draft TMDL. Please provide the average TP concentration associated with a 100 ug/L summer maximum TP as well as the occurrence frequency of the summer maximum 100 ug/L.

As for BMW's questions related to the proposed load reductions for the upstream reservoirs, the Division reiterates its comments in the March, 31, 2010. Comprehensive TMDLs consider source concentrations as well as loads. If a source's concentration is less than a TMDL target or standard, no load reductions are assigned to that source regardless of whether the source is a point source or nonpoint source. TMDLs should characterize each source's quantity and quality (as concentration) as well as loads in tables. Table 3.1 include columns for each source's

current discharge volume, current discharge concentration (TP), and permitted design capacity in addition to the TP load.

The Division's comments and suggestions are intended to address TMDL components in the draft TMDL that are not approvable or that need refinement. These comments must be addressed as part of BMW's is contract obligation to deliver an approvable TMDL to the Division.

If you have any questions, please contact Joni Nuttle, Phil Hegeman, or Greg Naugle by telephone or by e-mail.

ec: Lori Rink, Barr Lake/Milton Reservoir Watershed Association
 Greg Naugle, Division
 Phil Hegeman, Division
 Lucia Machado, Division