STATE OF COLORADO

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

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Colorado Department
of Public Health
and Environment

February 26, 2010

Will-O-Wisp
Attn: Rick Angelica
956 Wisp Creek Drive
Bailey, Colorado 80421

Re: Section 401 Water Quality Certification
Colorado 401 Certification No.: 4214
U.S. COE 404 Permit No.: NWO-2008-2659-DEN
Description: Project will divert water and pump the water to the water treatment plant
Location: Section 26, Township 6 South, Range 72 West in Park County, Colorado
Watercourse: Elk Creek, South Platte River Basin, Segment CO SPUS04 of Upper South Platte River Sub-basin
Designation: Reviewable

Dear Mr. Angelica:

The Colorado Department of Public Health and Environment (CDPHE), Water Quality Control Division (Division) has completed its review of the subject Clean Water Act (CWA) Section 404 Permit Application, and our preliminary determination with the issuance of the State of Colorado 401 Certification Public Notice (5 CCR 1002-82.5(B)). An antidegradation review has also been completed pursuant to Regulation No. 31, Basic Standards and Methodologies for Surface Water (5 CCR 1002-31). The Division's review concluded that only temporary impacts to water quality should occur as a result of this project.

This letter shall serve as official notification that the Division is issuing "Conditional Certification" in accordance with 5 CCR 1002-82.5(A)(3).

Conditions for certification include:
Diversions from Elk Creek are based on the Operating Principles dated March 6, 2007.

Elk Creek Monitoring

- Pre construction baseline sample near the diversion point with field and laboratory parameters
- Semi-annual sampling (February and October) field parameters only
    - Sampling above the diversion point and downstream above the "fishing ponds."

- This sampling will continue for five years after the completion of the diversion structure.
- Single one year post construction sample
  - Sample during the next expected low flow period, October or February, one year after the completion of the diversion structure
  - Field and laboratory parameters
- In-stream continuous temperature monitoring
  - Collection of representative in-stream continuous temperature information from above the diversion point and downstream above the "fishing ponds."
  - Data collection will be to allow determination of a weekly average temperature using a minimum of three equally spaced measurements throughout a 24-hour day over a seven-day consecutive period.
  - This sampling will continue for five years after the completion of the diversion structure.
- All sampling will be reported to CDPHE, Water Quality Control Division, 401 Water Quality Certification staff in electronic format. Submittal of the pre and post construction sampling results will be in a timely manner after the results have been received from the laboratory. Submittal of the semi-annual sampling and temperature monitoring will be at least annually.
- Field and laboratory parameters are identified on the table below.

These conditions may be modified upon agreement between the Water Quality Control Division and the applicant, Will O Wisp Metropolitan District.

The following table lists analysis, methodology, holding time, and practical quantitation level (PQL). All QA/QC material to be retained by Will O Wisp Metropolitan District.

Required Sampling Parameters (All sample analysis dissolved unless noted)			
Analysis	Methodology	Holding Time	PQL
Field Parameters			
pH		NA	0.1 S.U.
Temperature		NA	0.1° C
Dissolved Oxygen		NA	0.1 mg/l
Conductivity		NA	1 uS/cm
Laboratory Parameters			
ALKALINITY, TOTAL	EPA 310.1	14 DAYS	10 ppm
ARSENIC	EPA 200.8	6 MONTHS	1 ppb
CADMIUM	EPA 200.8	6 MONTHS	0.3 ppb
CHLORIDE	EPA 300.0	28 DAYS	2 ppm
CHROMIUM	EPA 200.7	6 MONTHS	20 ppb
COPPER	EPA 200.7	6 MONTHS	4 ppb
CYANIDE, DIRECT	EPA 335.2	14 DAYS	10 ppb
E. COLI	SM 9223-B	24 HOURS	Calculated MPN
HARDNESS, TOTAL	EPA 200.7	6 MONTHS	10 ppm
IRON, Total Recoverable	EPA 200.7	6 MONTHS	10 ppb
IRON, DIS	EPA 200.7	6 MONTHS	10 ppb

Required Sampling Parameters (All sample analysis dissolved unless noted)			
Analysis	Methodology	Holding Time	PQL
LEAD	EPA 200.8	6 MONTHS	1 ppb
MANGANESE	EPA 200.8	6 MONTHS	4 ppb
NICKEL	EPA 200.7	6 MONTHS	30 ppb
N-AMMONIA	EPA 350.1	28 DAYS	10 ppb
N-KJELDAHL	EPA 351.2	28 DAYS	200 ppb
N-NITRATE/NITRITE	EPA 353.2	28 DAYS	50 ppb
NITRITE	SM 4500-NO2-B[1]	48 HOURS	20 ppb
N-TOTAL	CALCULATION	NA	NA
PHOSPHORUS, TOTAL	EPA 365.1	28 DAYS	3 ppb
SELENIUM	EPA 200.8	6 MONTHS	1 ppb
SILVER	EPA 200.8	6 MONTHS	0.4 ppb
SOLIDS, DISSOLVED	EPA 160.1	7 DAYS	10 ppm
SOLDIS, SUISPENDED	EPA 160.2	7 DAYS	10 ppm
SULFATE	EPA 300.0	28 DAYS	5 ppm
TOTAL ORGANIC CARBON	EPA 415.1	28 DAYS	1 ppm
ZINC	EPA 200.7	6 MONTHS	10 ppb

US EPA, Methods for the Determination of Metals in Environmental Samples, 1994
US EPA, Methods for the Determination of Inorganic Substances in Environmental Samples, 1993
US EPA, Methods for the Chemical Analysis of Water and Wastes, 1983

[1] Standard Methods for the Examination of Water and Wastewater, 19th Edition, 1995

The 401 Certification issued by the Division pursuant to 5 CCR 1002-82.3(C) shall apply to both the construction and operation of the project for which a federal license or permit is required, and shall apply to the water quality impacts associated with the project. This certification does not constitute a relinquishment of the Division's authority as defined in the Colorado Water Quality Control Act, nor does it fulfill or waive any other local, state, or federal regulations.

If you have any questions or need additional information, please contact me (303) 692-3586.

Sincerely,

John C. Hranac
Water Quality Assessor
Water Quality Control Division
Colorado Department of Public Health and Environment

Attachment

cc: US Army Corps of Engineers, Denver Colorado Regulatory Office
Applicant's Agent, The Engineering Company
File