



# COLORADO

## Department of Public Health & Environment

### WATER QUALITY CONTROL DIVISION

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COMPLIANCE ORDER ON CONSENT  
AMENDMENT NUMBER 1

NUMBER: DC-210630-1

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IN THE MATTER OF:        TOWN OF JOHNSTOWN  
                                      CDPS PERMIT NO. CO0047058  
                                      JOHNSTOWN LOW POINT WWTP  
                                      WELD COUNTY, COLORADO

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The Colorado Department of Public Health and Environment (“Department”), through the Water Quality Control Division (“Division”), issues this Amendment to the June 30, 2021, Compliance Order on Consent, Number: DC-210630-1 (“COC”, *attached as Exhibit A*), which was executed between the Division and the Town of Johnstown (“Johnstown”). The Amendment is issued pursuant to the Division’s authority under the Colorado Water Quality Control Act (“Act”) §§25-8-101 to 803, C.R.S., and its implementing regulations, with the express consent of Johnstown. The Division and Johnstown may be referred to collectively as the “Parties.”

#### STATEMENT OF PURPOSE

1. The mutual objectives of the Parties entering into this Amendment to the COC (“Amendment”) are to modify the enforceable deadlines associated with the schedule for the Low Point Project.
2. The Parties have determined that the following modifications to paragraphs 61-63 of the COC are appropriate.

#### AMENDMENT NUMBER ONE

3. Paragraph 61 is hereby amended to read: By July 31, 2022, Johnstown shall submit final design documents (plans and specifications) approval or self-certification approval form. By September 30, 2022, Johnstown shall notify the Division that it has commenced construction on the approved Low Point Project.
4. Paragraph 62 is hereby amended to read: By January 31, 2024, Johnstown shall achieve substantial completion of construction of the Low Point Project and provide written notification of substantial completion to the Division.
5. Paragraph 63 is hereby amended to read: By April 30, 2024, Johnstown shall complete construction of the Low Point Project and provide written notification of completion to the Division.



**NOTICE OF EFFECTIVE DATE**

- 6. This Amendment shall be fully effective, enforceable and constitute a final agency action on the date signed by the authorized representative of the last party.

**SCOPE AND EFFECT**

- 7. The scope and effect of this Amendment is expressly limited to the matters specifically identified herein. All other terms, conditions or requirements of the COC shall remain unchanged and in effect.

**BINDING EFFECT AND AUTHORIZATION TO SIGN**

- 8. This Amendment and the COC is binding upon Johnstown and its elected officials, employees, agents, representatives, successors in interest, and assigns. The undersigned warrant that they are authorized to legally bind their respective principals to this Amendment and the COC. Johnstown agrees to provide a copy of this Amendment and the COC to any contractors and other agents performing work pursuant to this Amendment and the COC and require such agents to comply with the requirements of this Amendment and the COC. In the event that a party does not sign this Amendment within 30 calendar days of the other party's signature, this Amendment becomes null and void. This Amendment may be executed in multiple counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same Amendment. The Parties agree that the electronic signatures appearing on this Amendment are the same as handwritten signatures for the purposes of validity, enforceability, and admissibility.

**FOR THE TOWN OF JOHNSTOWN:**

**Matt LeCerf** Digitally signed by Matt LeCerf  
Date: 2022.06.20 15:35:04 -06'00' \_\_\_\_\_ Date: \_\_\_\_\_  
Matt LeCerf  
Town Manager  
Town of Johnstown

**FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT:**

**Kelly Morgan** Digitally signed by Kelly Morgan  
Date: 2022.06.20 17:18:06 -06'00' \_\_\_\_\_ Date: \_\_\_\_\_  
Kelly Morgan  
Clean Water Compliance and Enforcement Section Manager  
WATER QUALITY CONTROL DIVISION