

May 15, 2025

Scott Edgar, General Manager  
Farmers Reservoir & Irrigation Company (FRICO)  
80 S 27<sup>th</sup> Ave  
Brighton, CO 80601

**CERTIFIED MAIL NO: 7022 3330 0001 8504 7258**

**RE: Compliance Advisory - Permit Requirements for Discharges from Sand and Gravel Mining and Processing  
FRICO - Milton Reservoir  
Weld County**

To Whom It May Concern:

The Colorado Department of Public Health and Environment's ("Department") Water Quality Control Division ("Division") recently conducted an inspection of Farmers Reservoir & Irrigation Company's ("FRICO") Milton Reservoir facility ("Facility"). Observations from the inspection, Division records, and records from the Colorado Department of Natural Resources' Division of Reclamation, Mining, and Safety ("DRMS") indicate coverage under the Colorado Discharge Permit System ("CDPS") General Permit COG500000 for Discharges from Sand and Gravel Mining and Processing ("COG500000 Permit") may be required at the Facility.

FRICO currently holds three certifications (COR414592, COR418738, and COR419504) under the CDPS General Permit COR400000 for Stormwater Discharges Associated with Construction Activity ("COR400000 Permit"). The COR400000 Permit does not authorize stormwater and/or process water discharges associated with sand and gravel mining and/or processing. The Division has no record that FRICO has applied for or obtained a CDPS permit for the discharge of industrial stormwater and/or process water associated with sand and gravel mining and/or processing activities conducted at the Facility.

Pursuant to §25-8-501(1), C.R.S. and 5 CCR 1002-61, §61.3(1)(a), no person shall discharge any pollutant into any state water from a point source without first having obtained a permit from the Division for such discharge, and no person shall discharge into a ditch or man-made conveyance for the purpose of evading the requirement to obtain a permit.

The COG500000 Permit requires that an applicant submit a complete, accurate, and signed permit application to the Division at least 60 days before the facility commences industrial activity that may result in a discharge of process water and stormwater associated with that industrial activity. Since activities have already begun at the Facility, FRICO must submit a COG500000 Permit Application (enclosed) within **30 calendar days of the date of this letter**. Submission instructions are located at the top of the application form.

The Division is initiating a review process to determine whether a formal enforcement action is warranted. The outcome of this review could result in enforcement action, including the imposition of civil penalties. Pursuant to §25-8-608, C.R.S., any person who violates any provision of the Colorado Water Quality Control Act, or any permit issued under the Act, or any control regulation promulgated pursuant to the Act, shall be subject to a civil penalty of up to \$65,544 per violation for each day during which such violation occurs.

This Compliance Advisory is intended to advise FRICO of alleged violations of the Colorado Water Quality Control Act, and its implementing regulations and permits, so that appropriate steps can be taken to avoid or mitigate formal enforcement action or to correct our records (if applicable). This Compliance Advisory does not constitute a Notice of Violation or Cease and Desist Order and is not subject to appeal. The issuance of this Compliance Advisory does not limit or preclude the Division from pursuing its enforcement options concerning the above violation(s). The Division will evaluate the facts associated with the above-described violation(s) and if a formal enforcement action is deemed necessary, FRICO may be issued a Notice of Violation / Cease and Desist Order that may include the assessment of penalties.

If you have questions regarding this matter, you may contact me directly at (303) 692-2290 or [william.everett@state.co.us](mailto:william.everett@state.co.us).

Sincerely,

William Everett, Enforcement Specialist  
Clean Water Enforcement Unit  
WATER QUALITY CONTROL DIVISION

*Enclosure(s)*

Ec: Scott Edgar, General Manager  
Al Stafford, Clean Water Compliance Unit , CDPHE  
Jared Ebert, Division of Reclamation Mining and Safety, DNR