



**COLORADO**  
Department of Public  
Health & Environment

April 30, 2024

C T Corporation System  
7700 E Arapahoe Road  
Suite 220  
Centennial, CO 80112

Certified Mail Number: 7022 3330 0001 8504 5124

**RE: Service of Notice of Violation / Cease and Desist Order, Number: IO-240430-1**

To Whom It May Concern:

Union Gold Inc. is hereby served with the enclosed Notice of Violation / Cease and Desist Order ("NOV/CDO"). The NOV/CDO is issued by the Colorado Department of Public Health and Environment's Water Quality Control Division ("Division") pursuant to authority given to the Division by §§ 25-8-602 and 25-8-605, C.R.S., of the *Colorado Water Quality Control Act* ("Act"). The Division bases the NOV/CDO upon findings that Union Gold Inc. violated the Act and/or a discharge permit, as described in the enclosed NOV/CDO.

Pursuant to § 25-8-603, C.R.S., Union Gold Inc. is required, within 30 calendar days of receipt of this NOV/CDO, to submit to the Division an answer admitting or denying each paragraph of the Findings of Fact and responding to the Notice of Violation.

This action could result in the imposition of civil penalties. The Division is authorized pursuant to § 25-8-608, C.R.S. and 5 CCR 1002-101, to impose a penalty of up to \$64,326 per day for each day during which such violation occurs (violations that occurred prior to July 1, 2020 shall be subject to a civil penalty of not more than \$10,000 per day of violation).

Please be advised that the Division is continuing its investigation into this matter and the Division may identify supplementary violations that warrant amendments to this NOV/CDO or the issuance of additional enforcement actions.

Should you or representatives of Union Gold Inc. desire to discuss this matter informally with the Division, or if you have questions regarding the NOV/CDO, please do not hesitate to contact me at (303) 692-3290 or jacob.dyste@state.co.us.

Sincerely,

Jacob Dyste, Enforcement Specialist  
Clean Water Enforcement Unit  
WATER QUALITY CONTROL DIVISION

*Enclosure(s)*

ec: Mark Caffarey, Union Gold Inc.  
Stephanie Meyers, EPA Region 8  
Denise Jiron, Conejos County Public Health  
Aimee Konowal, Watershed Section, CDPHE



Kelly Morgan, Compliance & Enforcement Section, CDPHE  
Alex Hawley, Grants and Loans Unit, CDPHE  
Michael Emming, Engineering Section, CDPHE  
Cameron Wilkins, Field Services Section, CDPHE  
Erin Scott, Permits Section, CDPHE  
Eric Mink, Clean Water Enforcement Unit, CDPHE  
Veronica Kenkel, Data Management Workgroup, CDPHE





# COLORADO

## Department of Public Health & Environment

### WATER QUALITY CONTROL DIVISION

NOTICE OF VIOLATION / CEASE AND DESIST ORDER

NUMBER: IO-240430-1

IN THE MATTER OF:        **UNION GOLD INC.**  
                                     **CDPS PERMIT NO. CO0038954**  
                                     **CONEJOS COUNTY, COLORADO**

Pursuant to the authority vested in the Colorado Department of Public Health and Environment's ("Department") Division of Administration by §§25-1-109 and 25-8-302, C.R.S., which authority is implemented through the Department's Water Quality Control Division ("Division"), and pursuant to §§25-8-602 and 25-8-605, C.R.S., the Division hereby makes the following Findings of Fact and issues the following Notice of Violation / Cease and Desist Order ("Order"):

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. At all times relevant to the alleged violations identified herein, Union Gold Inc. ("Union Gold") was a Colorado corporation in good standing and registered to conduct business in the State of Colorado.
2. Union Gold is a "person" as defined by the Water Quality Control Act ("Act"), §25-8-103(13), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2(73).
3. Union Gold owns and/or operates the Platoro Mine located at 37.3486, -106.5306 in Conejos County, Colorado ("Facility").
4. The Facility discharges treated wastewater associated with mine remediation. The Facility captures groundwater that comes into contact with mine materials in the underground workings or historical surface deposits. The Facility uses a combination of lime neutralization, chemical precipitation, high-density sludge clarifier/thickener, and pH adjustment to treat wastewater, prior to discharge to the Conejos River and Wayne's Creek.
5. The Facility is the subject of the Colorado Discharge Permit System, Permit Number CO0038954 ("Permit"). The current Permit became effective on June 1, 2019 and is set to expire May 31, 2024. The Permit has been modified two times; the most recent modification became effective April 6, 2022.
6. The Permit authorizes Union Gold to discharge treated wastewater from the Facility through Outfalls 002 and 004 into the Conejos River. Outfall 002 is physically located at approximately 37.3492, -106.5264 and discharges to Wayne's Creek. Outfall 004 is physically located at approximately

37.3519, -106.5217 and discharges to the Conejos River. Additionally, the Permit authorizes Union Gold to discharge stormwater from Outfalls 005 and 006 to Wayne’s Creek.

- Pursuant to 5 CCR 1002-61, §61.8, Union Gold must comply with all the terms and conditions of the Permit, and violations of such terms and conditions as specified in the Permit may make Union Gold subject to civil and criminal liability pursuant to §§25-8-601 through 25-8-612, C.R.S.

**Failure to Comply with Permit Effluent Limitations**

- Pursuant to Part I.B. and I.C.1. of the Permit, Union Gold’s effluent at Outfall 004 shall not exceed, among others not subject to this action, the effluent discharge limitations specified in the table below:

<b>UNION GOLD - PLATORO MINE EFFLUENT DISCHARGE LIMITATIONS FOR OUTFALL 004</b>				
Parameter	Limitation			Sampling
	30-day Avg.	Daily Max	Frequency	Type
Effluent Flow (MGD)	0.288	Report	Continuous	Recorder
pH	--	6.5 - 9.0	Weekly	Grab
Arsenic, total recoverable (µg/L), until 12/31/2026	44.6	--	Weekly	Composite
Manganese, dissolved [as Mn] (µg/L)	458	17,850	2 Days/Month	Composite
Silver, potentially dissolved (µg/L), until 2/28/2022	0.18	--	Weekly	Composite
Silver, potentially dissolved (µg/L), effective 3/1/2022	0.042	0.81	Weekly	Composite
Whole Effluent Toxicity (“WET”), Acute (%)	LC50 Statre 96Hr Acute <i>Pimephales promelas</i>	--	LC50 ≥ 100%	Quarterly Grab
	LC50 Statre 48Hr Acute <i>Daphnia magna</i>	--	LC50 ≥ 100%	

- Pursuant to Part I.L.1. of the Permit, Union Gold’s monitoring results shall be summarized for each calendar month and reported on Division approved discharge monitoring reports (“DMRs”) via the Division’s NetDMR service. The DMR forms shall be filled out accurately and completely in accordance with requirements of this Permit.
- Union Gold DMRs include, among other information and data, the following effluent data, which exceeded the effluent limitations outlined in Part I.C.1. of the Permit:

<b>UNION GOLD - PLATORO MINE EFFLUENT SELF-MONITORING DATA</b>		
DISCHARGE MONITORING REPORTING PERIOD	SAMPLE MEASUREMENTS FOR OUTFALL 004	
Effluent Flow (MGD)	30-DAY AVG. LIMIT = 0.288	DAILY MAXIMUM = Report
6/1/2021 - 6/30/2021	0.3424	--
4/1/2023 - 4/30/2023	0.324	--
pH	30-DAY AVG. LIMIT = NA	DAILY MINIMUM/MAXIMUM = 6.5 - 9.0
6/1/2019 - 6/30/2019	--	6.43
10/1/2019 - 10/31/2019	--	6.3

UNION GOLD - PLATORO MINE EFFLUENT SELF-MONITORING DATA		
<b>Arsenic, total recoverable (µg/L)</b>	<b>30-DAY AVG. LIMIT = 44.6</b>	<b>DAILY MAXIMUM = NA</b>
6/1/2022 - 6/30/2022	47.9	--
9/1/2022 - 9/30/2022	93.45	--
5/1/2023 - 5/31/2023	69.56	--
6/1/2023 - 6/30/2023	58.75	--
<b>Manganese, dissolved [as Mn] (µg/L)</b>	<b>30-DAY AVG. LIMIT = 458</b>	<b>DAILY MAXIMUM = 17,850</b>
6/1/2019 - 6/30/2019	834.3	--
7/1/2019 - 7/31/2019	532	--
10/1/2019 - 10/31/2019	460	--
4/1/2021 - 4/30/2021	967.5	--
5/1/2022 - 5/31/2022	775	--
4/1/2023 - 4/30/2023	1,890	--
5/1/2023 - 5/31/2023	1,144.5	--
6/1/2023 - 6/30/2023	2,055	--
10/1/2023 - 10/31/2023	4,250	--
<b>Silver, potentially dissolved (µg/L)</b>	<b>30-DAY AVG. LIMIT = 0.042</b>	<b>DAILY MAXIMUM = 0.81</b>
10/1/2023 - 10/31/2023	0.65	--
<b>WET, Acute (%) <i>Daphnia magna</i></b>	<b>30-DAY AVG. LIMIT = NA</b>	<b>DAILY MAXIMUM = LC50 ≥ 100%</b>
7/1/2019 - 9/30/2019	--	<100
4/1/2021 - 6/30/2021	--	56.59
4/1/2022 - 6/30/2022	--	66.92
<b>WET, Acute (%) <i>Pimephales promelas</i></b>	<b>30-DAY AVG. LIMIT = NA</b>	<b>DAILY MAXIMUM = LC50 ≥ 100%</b>
4/1/2022 - 6/30/2022	--	39.31

11. Effluent flow, pH, arsenic, manganese, silver, and WET are “pollutants,” or indicators thereof, as defined by §25-8-103, C.R.S. and its implementing permit regulation 5 CCR 1002-61, §61.2(76).
12. The Permit does not authorize the pollutant levels identified above in Paragraph 10 above. Division records establish that during the reporting periods identified above, Union Gold did not have any other permit authorizing such discharge into State Waters.
13. Union Gold’s failure to comply with the Permit limitations constitutes violations of Part I.B. and I.C.1. of the Permit.

**Failure to Properly Monitor and Report**

14. Pursuant to Part 1.C.1. of the Permit, in order to obtain an indication of probable compliance or noncompliance with the specified effluent limitations, Union Gold shall monitor all effluent parameters at specified frequencies. Such monitoring is required for the life of the Permit unless otherwise specified. The results of such monitoring shall be reported on the DMR form.
15. Pursuant to Part 1.L.1. of the Permit, Union Gold monitoring results shall be summarized for each calendar month and reported on the Division’s NetDMR service. The DMR forms shall be filled out

accurately and complete in accordance with requirements of this Permit. DMR forms shall be submitted no later than the 28<sup>th</sup> day of the month following the reporting period.

16. Division records establish that Union Gold failed to submit DMRs to the Division by the 28<sup>th</sup> day of the month following the end of the reporting periods identified in the table below:

UNION GOLD - LATE DMRs			
REPORTING PERIOD	OUTFALL/ MONITORING LOCATION NUMBER	DMR DUE DATE	DMR RECEIPT DATE
11/1/2020 - 11/30/2020	002A	12/28/2020	3/15/2021
11/1/2020 - 11/30/2020	004A	12/28/2020	3/15/2021
11/1/2020 - 11/30/2020	005A	12/28/2020	3/15/2021
11/1/2020 - 11/30/2020	006A	12/28/2020	3/15/2021
11/1/2020 - 11/30/2020	USTA1	12/28/2020	3/15/2021
12/1/2020 - 12/31/2020	002A	1/28/2021	3/15/2021
12/1/2020 - 12/31/2020	004A	1/28/2021	3/15/2021
12/1/2020 - 12/31/2020	005A	1/28/2021	3/15/2021
12/1/2020 - 12/31/2020	006A	1/28/2021	3/15/2021
12/1/2020 - 12/31/2020	USTA1	1/28/2021	3/15/2021
10/1/2020 - 12/31/2020	002Q	1/28/2021	3/15/2021
10/1/2020 - 12/31/2020	002X	1/28/2021	3/15/2021
10/1/2020 - 12/31/2020	004Q	1/28/2021	3/15/2021
10/1/2020 - 12/31/2020	004W	1/28/2021	3/15/2021
1/1/2021 - 1/31/2021	002A	2/28/2021	3/15/2021
1/1/2021 - 1/31/2021	004A	2/28/2021	3/15/2021
1/1/2021 - 1/31/2021	005A	2/28/2021	3/15/2021
1/1/2021 - 1/31/2021	006A	2/28/2021	3/15/2021
1/1/2021 - 1/31/2021	USTA1	2/28/2021	3/15/2021

17. Union Gold’s failure to submit DMRs to the Division by the 28<sup>th</sup> day of the month following the end of the reporting periods, as identified in Paragraph 16, constitutes violations of Part I.L.1. of the Permit.

**Failure to Provide Requested Records/ Information**

18. Pursuant to Part II.H. of the Permit, Union Gold shall furnish to the Division, within a reasonable time, any information which the Division may request to determine compliance with the Permit.
19. On December 15, 2023, the Division issued Union Gold a Compliance Advisory / Notice of Significant Non-Compliance (“Compliance Advisory”) for reported effluent violations. The Compliance Advisory required Union Gold to provide the Division with a response that included the cause of the non-compliance, actions and measures taken or planned to abate the non-compliance, and any other relevant information.
20. As of the date of issuance of this NOV/CDO, Union Gold has not provided the required response to the Compliance Advisory.

21. Union Gold's failure to furnish the Division with the information requested to determine compliance with the Permit as identified in Paragraph 20, constitutes a violation of Part II.H. of the Permit.

### NOTICE OF VIOLATION

22. Based on the foregoing Findings of Fact and Conclusions of Law, Union Gold is hereby notified that the Division has determined that the Union Gold have violated the following sections of the Permit.

**Part I.B. of the Permit**, which states in part: "... In accordance with the Water Quality Control Commission Regulations for Effluent Limitations, Section 62.4, and the Colorado Discharge Permit System Regulations, Section 61.8(2), 5 C.C.R. 1002-61, the permitted discharge shall not contain effluent parameter concentrations which exceed the limitations specified below or exceed the specified flow limitation."

**Part I.C.1. of the Permit**, which states in part: "In order to obtain an indication of the probable compliance or noncompliance with the effluent limitations specified in Part I.A [*sic*], the permittee shall monitor all effluent parameters at the frequencies and sample types specified below. Such monitoring will begin immediately and last for the life of the permit unless otherwise noted. The results of such monitoring shall be reported on the Discharge Monitoring Report form."

**Part I.L.1. of the Permit**, which states in part: "The permittee shall report the data gathered in compliance with this permit on a monthly basis. Reporting of all data gathered shall comply with the requirements of Part I.K and/or Part II. J of this permit... When submitting monitoring results via NetDMR, the Copy of Record shall reflect that the DMR was signed and submitted no later than the 28th day of the month following the reporting period."

**Part II.H. of the Permit**, which states, "The permittee shall furnish to the Division, within a reasonable time, any information which the Division may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Division, upon request, copies of records required to be kept by this permit in accordance with 40 C.F.R. §122.41(h) and/or Regulation 61.8(3)(q)."

### REQUIRED CORRECTIVE ACTION

Based upon the foregoing factual and legal determinations and pursuant to §25-8-602 and §25-8-605, C.R.S., Union Gold is hereby ordered to:

23. Cease and desist from all violations of the Act, §§25-8-101 through 25-8-803, C.R.S., its implementing regulations promulgated thereto and the Permit.

Furthermore, the Division hereby orders Union Gold to comply with the following specific terms and conditions of this Order:

24. Within 30 calendar days of receipt of this Order, Union Gold shall retain the services of a professional engineer registered in the State of Colorado and experienced in mining related industrial wastewater treatment to perform an evaluation of the Facility and recommend measures to ensure that a fully functioning, permitted, and approved wastewater treatment system is in place that complies with the Act, its implementing regulations, and the Permit. The evaluation shall include, but not be

limited to:

- a. An evaluation of the Facility's treatment processes to identify any deficiencies in the current design of the Facility. This should include, but not be limited to, an evaluation of the annual startup and shutdown procedures to ensure the Facility is meeting effluent limitations during these times.
  - b. An evaluation of the Facility's current operation and maintenance practices to identify any deficiencies that may impact the Facility's ability to reliably and consistently treat wastewater. This should include, but not be limited to, an evaluation of the Facility's solids and sludge handling procedures and snowmelt pumping.
  - c. A plan for maintenance, operation changes, and upgrades of the Facility that will ensure the Facility is designed, operated, and maintained to achieve compliance with the Permit.
25. Within 45 calendar days of the receipt of this Order, Union Gold shall provide documentation to the Division that it has retained the services of the qualified individual or entity described in Paragraph 24. The documentation shall include, at a minimum, a copy of the individual or entity's qualifications and a copy of the written contract or agreement for services, including a copy of the scope of services to be provided. The Division reserves the right to reject the individual or entity if it finds, after reasonable inquiry and evaluation, the individual or entity does not meet the expected qualifications. Should the Division deny the individual/entity, Union Gold will have 14 calendar days from notification from the Division to submit documentation for an alternative individual/entity.
26. Within 90 calendar days of receipt of this Order, Union Gold shall submit to the Division a report summarizing the results of the engineering evaluation identified in Paragraph 24. The report shall include an aggressive plan and time schedule for the implementation of specific interim and long-term measures that Union Gold will complete to address the deficiencies identified in the evaluation to consistently produce effluent in compliance with all numeric limitations outlined in Part I.C.1. of the Permit. Completion of each measure must occur within 180 days of the final report being submitted to the Division. The submitted plan and time schedule shall become a condition of this Order and Union Gold shall implement the plan and time schedule as submitted, unless notified by the Division in writing that an alternate plan or time schedule is appropriate. If the Division imposes alternate measures and/or time schedules, they shall also become a condition of this Order.
27. Beginning July 15, 2024, and 15 days after the end of every quarter thereafter, Union Gold shall submit quarterly progress reports to the Division by the last day of each quarter (April 15, July 15, October 15, and January 15). At a minimum, each report shall outline activities undertaken during the current month and activities planned for the next month to remain in compliance with this Order. The monthly progress reports shall be required until the issuance of written notice from the Division indicating that the reports are no longer necessary occurs.
28. If Union Gold becomes aware of any situation or circumstances that cause Union Gold to become unable to comply with any condition or time schedules set forth by this Order, Union Gold shall provide written notice to the Division within five calendar days of becoming aware of such circumstances. Union Gold's notice shall describe what, if any, impacts will occur on Union Gold's ability to comply with the Act or the Permit and any impacts on the remaining conditions and/or time schedules specified by this Order, and what steps are being taken to mitigate the impacts.
29. All documents submitted under this Order shall use the same titles as stated in this Order, and shall reference both the number of this Order and the number of the paragraph pursuant to which the document is required. Within 30 calendar days of receiving Division comments on submitted



documents, Union Gold shall revise the submitted document(s) to properly address the Division's comments and resubmit the document(s) for Division review.

### **NOTICES AND SUBMITTALS**

30. For all documents, plans, records, reports and replies required to be submitted by this Order, the Union Gold shall submit an original and an electronic copy to the Division at the following address:

Original copies shall be mailed to:

Jacob Dyste  
Colorado Department of Public Health and Environment  
Water Quality Control Division  
Mail Code: WQCD-CWE-B2  
4300 Cherry Creek Drive South  
Denver, Colorado 80246-1530  
Telephone: (303) 692-3290

Electronic copies shall be emailed to:

jacob.dyste@state.co.us

31. For any person submitting documents, plans, records and reports pursuant to this Order, that person shall make the following certification with each submittal:

"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."

### **OBLIGATION TO ANSWER AND REQUEST FOR HEARING**

32. Pursuant to §25-8-603, C.R.S. and 5 CCR 1002, §21.11 Union Gold is required to submit to the Division an answer affirming or denying each paragraph of the Findings of Fact and responding to the Notice of Violation. The answer shall be filed no later than 30 calendar days after receipt of this action.
33. Section 25-8-603, C.R.S. and 5 CCR 1002, §21.11 also provide that the recipient of a Notice of Violation may request the Division to conduct a public hearing to determine the validity of the Notice, including the Findings of Fact. Such request shall be filed in writing with the Division and include the information specified in 5 CCR 1002, §21.4(B)(2). An incomplete hearing request shall be considered invalid. Absent a request for hearing, the validity of the factual allegations and the Notice of Violation shall be deemed established in any subsequent Department proceeding. The request for hearing, if any, shall be filed no later than 30 calendar days after issuance of this action. The filing of an answer does not constitute a request for hearing.

### **FALSIFICATION AND TAMPERING**

34. Be advised, in accord with §25-8-610, C.R.S., any person who knowingly makes any material false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this article 8 or who falsifies, tampers with, or knowingly render inaccurate any monitoring device or method required to be maintained under this article 8 commits a class 2 misdemeanor.

### **POTENTIAL CIVIL AND CRIMINAL PENALTIES**

35. Union Gold is also advised that any person who violates any provision of the Act, §§25-8-101 to 803, C.R.S., or of any permit issued under the Act, or any control regulation promulgated pursuant to the Act, or any final cease and desist order or clean-up order issued by the Division shall be subject to a civil penalty of not more than \$64,326 per day for each violation that occurs (violations that occurred prior to July 1, 2020 shall be subject to a civil penalty of not more than \$10,000 per day of violation). Further, any person who recklessly, knowingly, intentionally, or with criminal negligence discharges any pollutant into any state waters commits criminal pollution if such discharge is made without a permit, if a permit is required by the Act for such discharge, or if such discharge is made in violation of any permit issued under the Act or in violation of any Cease and Desist Order or Clean-up Order issued by the Division. By virtue of issuing this Order, the State has not waived its right to bring an action for penalties under §§25-8-608 and 609, C.R.S, and may bring such action in the future.

### **RELEASE OR DISCHARGE NOTIFICATION**

36. Pursuant to §25-8-601, C.R.S., Union Gold is further advised that any person engaged in any operation or activity which results in a spill or discharge of oil or other substance which may cause pollution of the waters of the state, shall notify the Division of the discharge. If said person fails to so notify, said person is guilty of a misdemeanor, and may be fined or imprisoned or both.

### **EFFECT OF ORDER**

37. Nothing herein contained, particularly those portions requiring certain acts to be performed within a certain time, shall be construed as a permit or license, either to violate any provisions of the public health laws and regulations promulgated thereunder, or to make any discharge into state waters. Nothing herein contained shall be construed to preclude other individuals, cities, towns, counties, or duly constituted political subdivisions of the state from the exercise of their respective rights to suppress nuisances or to preclude any other lawful actions by such entities or the State.
38. For further clarification of Union Gold's rights and obligations under this Order Union Gold is advised to consult the Act, §§25-8-101 to 803, C.R.S., and regulations promulgated thereunder, 5 CCR 1002.

Issued at Denver, Colorado, this 30<sup>th</sup> day of April 2024.

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

**Kelly Morgan** Digitally signed by Kelly Morgan  
Date: 2024.04.30 09:22:09 -06'00'

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Kelly Morgan  
Clean Water Compliance and Enforcement Section Manager  
WATER QUALITY CONTROL DIVISION

of any permit issued under the Act or in violation of any Cease and Desist Order or Clean-up Order issued by the Division. By virtue of issuing this Order, the State has not waived its right to bring an action for penalties under §§25-8-608 and 609, C.R.S., and may bring such action in the future.

**RELEASE OR DISCHARGE NOTIFICATION**

- 44. Pursuant to §25-8-601, C.R.S., Off The Chain is further advised that any person engaged in any operation or activity which results in a spill or discharge of oil or other substance which may cause pollution of the waters of the state, shall notify the Division of the discharge. If said person fails to so notify, said person is guilty of a misdemeanor, and may be fined or imprisoned or both.

**EFFECT OF ORDER**

- 45. Nothing herein contained, particularly those portions requiring certain acts to be performed within a certain time, shall be construed as a permit or license, either to violate any provisions of the public health laws and regulations promulgated thereunder, or to make any discharge into state waters. Nothing herein contained shall be construed to preclude other individuals, cities, towns, counties, or duly constituted political subdivisions of the state from the exercise of their respective rights to suppress nuisances or to preclude any other lawful actions by such entities or the State.
- 46. For further clarification of Off The Chain’s rights and obligations under this Order, Off The Chain are advised to consult the Act, §§25-8-101 to 803, C.R.S., and regulations promulgated thereunder, 5 CCR 1002.

Issued at Denver, Colorado, this 22<sup>nd</sup> day of April, 2024.

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

**Kelly Morgan** Digitally signed by Kelly Morgan  
Date: 2024.04.22 09:32:04 -06'00'

Kelly Morgan  
Clean Water Compliance and Enforcement Section Manager  
WATER QUALITY CONTROL DIVISION