



July 29, 2022

Ryan Howser  
Planning & Community Development  
El Paso County  
2880 International Circle, Suite 110  
Colorado Springs, CO 80910

Re: Ellicott Utilities Company  
Proposed Wastewater Treatment System and Water Supply  
Administrative Determination Request for 1041 Applicability

Dear Ryan:

Ellicott Utilities Company (EUC) is proposing to construct a new wastewater treatment system to support the planned Mayberry Development in El Paso County. Proposed infrastructure includes the Ellicott North Wastewater Treatment Plant (WWTP) located near the intersection of Falcon Highway and Peyton Highway (parcel # 3300000457); an approximately 10-mile wastewater pipeline connecting the WWTP to the planned Mayberry Development; and a lift station (or multiple smaller lift stations) located within the development. A figure depicting these components is attached. A treated wastewater return pipeline for purposes of irrigation is also being considered that would parallel the wastewater line. The exact route of the pipeline(s) is still in development; however, it is expected that most of the line(s) would be located within public road right-of-way.

EUC is in the process of evaluating water supply to the Mayberry Development. It is expected that new potable water pipelines will be constructed from drinking water wells to the development. Drinking water well locations are still to be determined; and, therefore, the exact components of a water supply system (e.g., pipelines, water treatment) are still being evaluated.

EUC is requesting an Administrative Determination from El Paso County Planning & Community Development to determine if a 1041 Permit is required for the proposed facilities pursuant to the County's *Guidelines and Regulations for Areas and Activities of State Interest* (Appendix B of the El Paso County, Colorado, Land Development Code).

Based on a review of the code, specifically Section 4.101, it is our interpretation that a 1041 Permit would be required under these regulations. Following is an explanation of the code requirements in Section 4.101 and applicability to the project.

*4.101. Designation of Activities of State Interest*

*Any activity wholly or partially within the unincorporated jurisdiction of El Paso County which falls within one or more of the following categories shall be considered to be site selection and construction of major new domestic water and sewage treatment systems and/or major extension of existing domestic water and sewage treatment systems, which activities are hereby designated as activities of state interest requiring a permit under these Regulations. No person may engage in*

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*construction, expansion, reoperation or other significant change in use of the following activities wholly or partially within unincorporated El Paso County without first obtaining a Permit pursuant to these Regulations.*

*(1) New water supply systems, new water treatment plants, or extensions of those systems or plants including water storage tanks, and line extensions that serve more than 250 single-family equivalents.*

As discussed above, water supply to the Mayberry Development is still being evaluated. It is expected that new potable water pipelines would be constructed that would serve the development. The location of pipelines and the need for water treatment will be determined as the project progresses. Because new potable water pipelines are being proposed, this code requirement is applicable to the project, and a 1041 Permit would be required.

*(2) Water service for commercial and/or industrial use equal to or greater than an amount equivalent to that in paragraph (1) above.*

New water service would be provided for commercial and industrial uses in the Mayberry Development. Therefore, this code requirement is applicable to the project, and a 1041 Permit would be required

*(3) Domestic Sewage Systems. A project which is planned for or requires the creation of a major new sewage treatment system(s) or a major extension(s) of an existing sewage treatment system(s), which means any new collector sewer lines, return flow lines, pumping structure or treatment facilities proposed for:*

*(a) New wastewater treatment plants, extensions or expansions to existing plants, or individual sewage disposal systems (on-site wastewater treatment systems) that have an average flow of more than 2,000 gallons per day;*

As discussed above, EUC is proposing construction of a new WWTP. Expected average flows for the new facility would be in the range of 1 to 2 million gallons per day. Because the average flow would be more than 2,000 gallons per day, this code requirement is applicable to the project, and a 1041 Permit would be required.

EUC is also proposing construction of a new wastewater pipeline connecting the Mayberry Development to the new WWTP. The pipeline would consist of a force main conveyance pipe (i.e., pressure line) that would transport wastewater from the community to the WWTP. Because the proposed pipeline is part of the overall wastewater treatment system, it would also be included in the 1041 Permit for the project.

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*(b) Wastewater lift stations that pump wastewater from areas too low to drain into available sewers receiving an average flow of more than 2,000 gallons per day;*

As discussed above, the project includes construction of a new lift station (or multiple smaller lift stations) at the planned Mayberry Development to pump wastewater north from the community to the new WWTP. Expected total average flows for the new lift station would be in the range of 1 to 2 million gallons per day. Because the average flow would be more than 2,000 gallons per day, this code requirement is applicable to the project, and a 1041 Permit would be required.

*(c) Wastewater interceptors, as defined at Section 4.103;*

The project does not include a wastewater interceptor, which is defined by Section 4.103 as a pipe equal to or greater than 24 inches. The proposed wastewater pipeline would consist of a force main conveyance pipe (i.e., pressure line) and is expected to be 16 to 20 inches in diameter. Therefore, this code requirement is not applicable to the project.

*(d) Service for commercial and/or industrial use that serves an equivalent of more than 250 single-family equivalents, and that is not served at the time of permit application.*

The planned Mayberry Development to be served by the new wastewater treatment facility will consist of residential, commercial, and industrial uses. The proposed WWTP is expected to serve approximately 8,000 single-family equivalents, and the proposed lift station at the Mayberry Development is expected to serve approximately 4,120 single-family equivalents. Because the facility would serve more than 250 single-family equivalents, this code requirement is applicable to the project, and a 1041 Permit would be required.

*(4) This designation does not include extensions of water or sewer lines for which construction plans have been or are subject to approval as part of a subdivision development under the LDC.*

The project does not include extension of a water or sewer line for which construction plans are subject to approval as part of subdivision development. Therefore, this code requirement is not applicable to the project.



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In summary, it is our interpretation that the project would require a 1041 Permit based on our review of the code requirements. We are requesting you review the information provided in this letter and issue an Administrative Determination confirming whether a 1041 Permit is required. If you have questions or need additional information to issue the Administrative Determination, please contact me at 720-598-2311 or [jbelle@burnsmcd.com](mailto:jbelle@burnsmcd.com).

Sincerely,

A handwritten signature in black ink that reads "Jennifer Bell".

Jennifer Bell  
Department Manager, Environmental Services

Attachment

cc: Jason Kvols, Ellicott Utilities Company  
Andrew Toth, Burns & McDonnell