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August 23, 2018

Nina Ruiz
El Paso County Planning and Community Development Department
2880 International Circle, Suite 110
Colorado Springs, CO 80910

Re: Cordero Minor Subdivision Application

Dear Ms. Ruiz:

This firm represents the Upper Black Squirrel Creek Ground Water Management District (“the UBS District”), a formed and operating ground water management district with the powers enumerated in the Colorado Ground Water Management Act, C.R.S. § 37-90-101 *et seq.* The UBS District has reviewed Angel Cordero’s (“Applicant’s”) minor subdivision application as well as the materials provided in support of this application. Based upon its understanding of the application and related documentation concerning the Applicant’s subdivision proposal, the UBS District provides the following comments.

Replacement Plan Approval, Determination of Water Right No. 3344-BD

As explained in the Applicant’s Letter of Intent, the Applicant seeks to subdivide his 35.55 acre property into two separate parcels, each of which will be served by a well withdrawing groundwater from the Arapahoe Aquifer underlying the subject property. In 2016, the Ground Water Commission issued a Determination of Water Right, No. 3344-BD, quantifying the amount of Arapahoe Aquifer groundwater underlying the Applicant’s 35.55 acre parcel, finding that such water is classified as not-nontributary, and determining that approval of a replacement plan providing for the replacement of depletions to the UBS Basin’s alluvial aquifer was necessary prior to the approval of any well permit to withdraw and use the subject groundwater. *See* Replacement Plan – Determination No. 3344-BD, at Paragraph 1 (June 12, 2018).

The Commission approved the Applicant’s replacement plan on June 12, 2018, subject to certain terms and conditions. In particular, the Commission stated that the Arapahoe Aquifer groundwater may be withdrawn through two wells located on two residential lots, each of which may be used to supply water to one single family residence, irrigate 3,000 square feet of lawn and garden, and provide water for four large domestic animals. The allowed annual withdrawal of water from the two wells was limited to one acre-foot, with each well limited to 0.5 acre-feet, and each well must be equipped with a totalizing flow meter. *See* Replacement Plan – Determination

No. 3344-BD, at Paragraphs 18-20 (June 12, 2018). The Applicant must be required to comply with all terms and conditions of the replacement plan issued in Determination No. 3344-BD, including any amendments that may be made to the plan in the future.

Onsite Wastewater Treatment Systems

The replacement plan approved by the Commission requires that the Applicant replace depletions to the alluvial aquifer using septic and leach field return flows from in-house uses. The UBS District is concerned about the potential contamination to the alluvial aquifer that may result from the discharge of wastewater from these septic systems and leach fields. To this end, the UBS District has enacted a policy in which it “encourages the use[] of central (municipal) water and wastewater systems, as opposed to the use of individual wells and septic systems . . . in order to minimize the possibility of contamination of the alluvial aquifer and to protect the already over-appropriated ground water resources of the Upper Black Squirrel Creek Designated Ground Water Basin.” As such, the District believes that a central wastewater treatment system should be required for this subdivision to prevent contamination of the aquifer; however, the District recognizes that one septic system is already operational on the property. *See* Letter from A. Doussett, El Paso County Department of Public Health (Jan. 23, 2017).

Pursuant to a letter from the El Paso County Department of Public Health (EPCPH) dated January 23, 2017, the existing onsite water treatment system (OWTS) cannot serve two dwellings on two separate parcels; consequently, EPCPH stated that an additional system must be constructed in order for the parcel to be subdivided. *See* Letter from A. Doussett, El Paso County Department of Public Health (Jan. 23, 2017). A high water table exists in certain areas of the UBS Basin, and in such areas, wastewater discharged from these septic systems is significantly more likely to infiltrate into and contaminate the alluvial aquifer, resulting in injury to downstream well owners. It does not appear that the Applicant submitted any data to evaluate the depth to the water table at his property; accordingly, the UBS District suggests that, if the Applicant is not required to use a central water or wastewater system for this subdivision, then the Applicant should be required to install a monitoring well to monitor water levels for at least twelve months before a second OWTS permit is issued. To the extent that a high water table exists in this area, any septic system installed on this parcel must be designed to accommodate the high water table to prevent contamination of the alluvial aquifer.

Moreover, the Commission’s replacement plan approval requires that the Applicant’s OWTS be “constructed and operated to state and county health department standards.” *See* Replacement Plan – Determination No. 3344-BD, at Paragraph 24 (June 12, 2018). According to the Commission, as long as “the septic and leaching treatment systems for the in-house use of the water are constructed and operated in compliance with state and county health department standards,” the plan will not cause unreasonable impairment to the water quality of the alluvial aquifer. *Id.* at Paragraph 11. To prevent contamination of the alluvial aquifer, any septic system operating within this subdivision, as well as the associated wastewater discharges from those systems, must comply with the state’s Water Quality Control Commission’s water quality standards set forth in Regulation Nos. 41 and 42, as well as all applicable County regulations, including Chapter 8 of the El Paso County Board of Health’s Regulations concerning the construction, operation, and maintenance of OWTS.

The UBS District reserves the right to provide additional comments at a later date founded upon information not readily ascertainable from the above-referenced application.

Sincerely,

A handwritten signature in blue ink that reads "Lisa M. Thompson". The signature is written in a cursive style with a large initial "L" and "T".

Lisa M. Thompson
for
TROUT RALEY

cc: UBSCGWMD Board of Directors