**CORA Document Summary - [Documents requested October 28, 2014]**

Colorado’s Water Quality Control Division provided us the below documents under the Colorado Open Records Act (CORA). On October 28, 2014, we asked that CWQCD provide the following to us:

(1) A letter from the Governor of the State requesting program approval;

(2) A complete program description, as required by § [123.22](http://www.law.cornell.edu/cfr/text/40/123.22), describing how the State intends to carry out its responsibilities under this part;

(3) An Attorney General's statement as required by § [123.23](http://www.law.cornell.edu/cfr/text/40/123.23);

(4) A Memorandum of Agreement with the Regional Administrator as required by § [123.24](http://www.law.cornell.edu/cfr/text/40/123.24);

(5) Copies of all applicable State statutes and regulations, including those governing State administrative procedures

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We received a total of 15documents. All the documents pertained to either the 1975 or 1995 CWA delegation of National Pollution Discharge Elimination System (NPDES) or other Clean Water Act duties by the EPA to the State of Colorado. The 1975 CWA delegation documents include:

* A letter from EPA to CO approving request that allows CO to issue individual NPDES permits, as long as CO complies with section 402 of Federal Water Pollution Control Act (Document 1)
* A MOA describing the permitting authority of CO as granted by the EPA, as well as the guidelines, policies, and other federal requirements that CO must follow (Document 2)

The 1995 delegation documents describe:

* A request by Colorado for expanded state permitting primacy for Clean Water Act programs which include: 1) federal facilities, 2) pretreatment, and 3) biosolids (Document 4);
* An MOA between EPA and CO describing continued permitting authority of NPDES duties (Document 6);
* An MOA between EPA and CO describing the expansion of Colorado’s permitting authority under the CWA to include the National Pretreatment Program (NPP) (Document 7);
* An MOA between EPA and CO describing the expansion of Colorado’s permitting authority under the CWA to include the National Sludge Management Program (NSMP) (Document 8);
* Various documents detailing permitting procedure, including copies of current waste-treatment and permit-generation programs for specific sets of pollutants and guidelines for implementation of permit enforcement and compliance (Documents 9-15);
* A statement from the CO Attorney General certifying the state’s NPDES, NPP, and NSMP permitting programs, comparisons between the CO statutes and the federal regulations they replace, and the “statutory and regulatory amendments intended to address EPA's concerns, [... and] authorities for the implementation of the State program at federal facilities.” The statement also “updates statutory and regulatory references contained in the [original] 1974 Attorney General's Statement.” (Document 16)

Upon reviewing these documents, we have the following the concerns:

* The fulfillment of the October 17th, 2015 CORA request did not include any documents pertaining to number [4] of our request: “*Copies of all documents and database files that identify parties who have discharged or are currently authorized to discharge produced water under the General Permit.*” Document 16, the statement of the CO Attorney General, specifically details that “The following information is available to the public for inspection and copying: 1) any NPDES permit, permit application, or form; 2) any public comments / testimony / or other documentation concerning a permit application; and 3) any information obtained pursuant to any monitoring, recording, reporting, or sampling requirements, or as a result of sampling/ or other investigatory activities of the State.” While it is possible that no such document or database identifying parties who are authorized under the General Permit, it seems unlikely that no such document or list exists. Further CORA requests may be necessary.

**CORA Document Summary - [Documents requested February 12, 2015]**

The February 12, 2015 CORA request asked for “[1] Copies of all lists, documents, and/or database files that identify parties who (a) are currently permitted to discharge under the Colorado Produced Water Treatment Facilities General Permit (COG-840000) (“General Permit”), and (b) have ever held a permit to discharge under the General Permit in the past.” This request was made after we received no documents that listed multiple permit holders in our October 17th CORA request, which less specific language in asking for “Copies of all documents and database files that identify parties who have discharged or are currently authorized to discharge produced water under the General Permit.”

The CWQCD returned the 2/12/15 request with two similar databases that each contained a similar, though not not identical, list of current permit holders and recently terminated permits. The first database lists 14 permits, while the second database lists 13 permits (Permit COG840004 is not included in the second database). The second database contains information on each permit holder, including:

* Individual permit holder names
* Organization permit holder names
* Permit status (either “admin continued” or “terminated”)
* Contact information
* Facility names
* Latitude and longitude of facilities