CDPHE Compliance Order on Consent (COC) Regarding Water Treatment Plant Discharges

City Council – March 3, 2026

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Department: Utilities

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Background

- City of Brighton owns and operates a reverse osmosis water treatment plant for drinking water.

- The treatment process removes water imperfections and concentrates them in a waste stream, known as brine. Approximately 20% of the water is discharged as the brine waste stream.

- City of Brighton holds a permit for discharge of the brine to the South Platte River.

- On December 11, 2023, the Colorado Department of Public Health and Environment (CDPHE) issued a Notice of Violation/Cease and Desist Order for alleged violations of the City's permit.

Background

- City disputed the allegations, and the proceedings were placed on hold while the City provided updates on the construction of the new treatment plant that does not utilize reverse osmosis.

- City and CDPHE engaged in settlement negotiations to resolve the matter without litigation, which resulted in the COC.

COC Overview

- City is required to submit a progress report to CDPHE by December 31, 2026, outlining the construction progress on the new plant.

- City must reach substantial completion (operational facility) of the new treatment plant by June 1, 2027, and submit a termination application for the brine discharge permit by September 30, 2027.

- City must pay $20,570.00 in civil penalties.

Staff Findings and Recommendation

- Staff find that the COC and negotiated settlement is fair and in the best interest of the City of Brighton.

  - Avoids litigation, attorney fees, higher fines and allows the current plant to continue serving residents of the City until the new water treatment plant is constructed.

- Therefore, staff recommend approval of the COC and settlement, and authorization of the City Manager to execute the COC and settlement documents.

Thank you for your time.

Questions?