

RESOLUTION NO. 2026-28

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING AND AUTHORIZING A SETTLEMENT COMPLIANCE ORDER ON CONSENT WITH THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE SETTLEMENT DOCUMENTS ON BEHALF OF THE CITY

WHEREAS, the City of Brighton ("City") owns and operates a water treatment facility using reverse osmosis to treat groundwater for potable drinking water, and the reverse osmosis process creates 80% potable water and a 20% brine concentrate; and

WHEREAS, the City has a discharge permit from the Colorado Department of Public Health and Environment ("CDPHE") authorizing the discharge of wastewater (20% concentrate) from the treatment process into the South Platte River; and

WHEREAS, the CDPHE issues rules and regulates the discharge of wastewater to the river and issued a Notice of Violation/Cease and Desist Order to the City on December 11, 2023, for alleged violations of the City's permit; and

WHEREAS, the City disputed the allegations and the proceedings were placed on hold while the City provided regular updates on the construction of the new water treatment plant that will not use the reverse osmosis process and provided other reports; and

WHEREAS, the City and CDPHE engaged in settlement negotiations to resolve the Notice of Violation without litigation, and the City agrees that the Compliance Order on Consent ("Order") is fair and in the best interests of the City; and

WHEREAS, the City has agreed to submit a progress report on the steps remaining to complete construction of the new Water Treatment Plant by December 31, 2026, to reach substantial completion on construction of the new Plant by June 1, 2027, to submit a termination application for the permit by September 30, 2027, and to pay a civil penalty of \$20,570.00 ("Settlement"); and

WHEREAS, the negotiated Settlement is in the best interest of the City as it avoids litigation costs, attorney fees, higher fines, and allows the current plant to continue serving the residents of the City until the new water treatment plant is constructed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AS FOLLOWS:

Section 1. The Order and Settlement is hereby approved.

Section 2. The City Manager, upon consultation and approval of the City Attorney, is authorized to execute Settlement documents and undertake such tasks as may be required to finalize the Settlement between CDPHE and the City.

Section 3. This Resolution is effective as of the date of its adoption.

RESOLVED THIS 3<sup>rd</sup> DAY OF MARCH 2026.

CITY OF BRIGHTON, COLORADO

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GREGORY MILLS, Mayor

ATTEST:

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NATALIE HOEL, City Clerk

APPROVED AS TO FORM:

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ALICIA CALDERÓN, City Attorney