

Minutes for your  
review/revisions:  
\_\_\_\_ Greg  
\_\_\_\_ Marshall

**CITIZENS' WATER ADVISORY COMMITTEE (CWAC) MINUTES**

July 14, 2020, 6:00 pm

Public Participation through call-in number (listen-only)

1-720-650-7664

Access code: 146 844 3648# (no participant code)

Meeting password: CskFbCCd

**Members Present:** Janet Marlow (Chair), Jay Campbell, Richard Eason, David Patterson, William Gondrez

**Excused Absence:** Tom Coker (Vice-Chair), was absent from the meeting.

**Staff Present:** Marshall Brown, Elizabeth Roberts, Kathy Kitzmann, Gail Thrasher, Greg Baker, Jo-Ann Giddings, Fernando Aranda Perozo, Rory Franklin, Sonya Gonzalez, Sandy Moore

**Visitors Present:** None.

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The meeting was called to order at 6:02 p.m.

**1. Approval of Minutes –June 9, 2020**

The June 9, 2020 minutes were approved.

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**2. Introductions/Public Invited to be Heard**

None.

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**3. New/Old Business**

None.

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**4. Communications Update**

G. Baker confirmed the cancellation of the Annual Chemical Roundup on September 12. Aurora Water will continue to expand its curbside pickup and the partisan fee associated with this service was lowered from twenty dollars (\$20.00) to ten dollars (\$10.00). We will also continue the promotion of all other alternatives to dispose of chemicals.

G. Baker reviewed the highlights of the Arkansas River Backup Diversion Upgrade for the Otero Pump Station. Working with Recreation, Colorado Parks and Wild Life and the Boating Community allowed for a new design. The new design allows for recreation and rafting from Leadville to Brown's Canyon which hadn't occurred previously due to design features of the old

diversion, designed in the 1960's, and was also in bad shape. Grant funding was obtained from the Colorado Water Conservation Board. Colorado Public Radio (CPR) did an article on the project.

G. Baker explained the Whitney Reservoir and Eagle River Project located downstream of Homestake Reservoir on the Western Slope. The project is a proposed component of the Eagle River Memorandum of Understanding (ERMOU) and is in the initial early exploration phase and early permitting process. A permit application for geotechnical work was submitted with the United States Forest Service (USFS) which included a timeframe for public comments. There are approximately 750 public comments, mostly in opposition. It was known the project would be a challenge.

G. Baker stated, Don Langley received his recognition plaque from the committee and has moved to Parker, Colorado.

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## 5. 2020 Legislative Update

K. Kitzmann presented and reviewed updates of the 2020 State legislative efforts by Aurora Water. The second regular session of the 72<sup>nd</sup> Colorado General Assembly convened on January 8 and adjourned on June 15 after an unexpected ten-week hiatus due to the COVID-19 pandemic. Despite a disrupted session, the legislature introduced 651 bills compared to 598 last year. Aurora Water reviewed 59 introduced bills plus one draft bill of interest. There were four Interim Water Resources Review Committee bills and only one passed. It is unusual for Interim Committee Bills not to make it all the way through. The Interim Wildfire Matter Review Committee had five Interim Bills and three passed.

Aurora Water opposed House Bill 20-1157 Loaned Water Instream Flows Improve Environment. The bill expanded the timeline for which loaned water could be used. Previously, loaned water could only be used three (3) out of ten (10) years, after which water rights could no longer be used. The bill has expanded the timeline to five (5) years with a renewal of an additional ten (10) years two times. Not only could it be used for maintaining a stream to a reasonable degree, but it could also be used for enhancements to the stream flow rate. It expanded the program quite a bit.

Aurora Water monitored Senate Bill 20-155 Keep Presumption Noninjury Well on Divided Land. In the past if someone subdivided a piece of land of 35 acres or more, the well did not have the Presumption Noninjury. You can now divide land and the well will maintain a Presumption of Noninjury.

K. Kitzmann reviewed the three Per and Polyfluoroalkyl Substances (PFAS) House Bills that passed.

- HB20-1042 Per and Polyfluoroalkyl Substances (PFAS) Manufacturer Notice Requirements.
- HB20-1119 State Government Regulation of Per and Polyfluoroalkyl Substances (PFAS).
- SB20-2018 Colorado Department of Public Health and Environment (CDPHE) Hazardous Substance Response.

Water Quality Program legislation looked at bringing fees up to a current level in line with other states. Environmental Justice had an increase in fines. The Waste Grease Program Repeal program was eliminated. A Water and Wastewater Operators Certification Board was up for a Sunset Review and an exception for construction dewatering that had been removed was added back in and supported.

Colorado Funding Bills. There were no issues with the Colorado Water Conservation Board Construction Projects, and the Water Projects Eligibility Lists passed. We paid close attention to the Species Conservation Trust Fund legislation. Initially there was \$4 million in funding divided between four programs that went towards species preservation. One of the programs is the South Platte Recovery Implantation Program which supports our Endangered Species Act (ESA) compliance for the South Platte. The funds were reduced from \$1.9 million to \$670 thousand. There are some reserves in the program to cover a year or two.

Miscellaneous Bills. The COVID-19 Utility Bill Payment Related Assistance. The Energy Outreach Colorado received \$10 million from the Federal Cares Act to put towards utility bill payment related assistance. It did not include payments for water bills. Energy Outreach Colorado committed to working with water providers to come up with a program with a meeting in two weeks. They do help with our Aurora Water Cares Program.

There are no Interim Committees due to budgetary reasons. House Bill 20-1157 Mobile Phone Bill Use, initially included two-way radios which would have prohibited the use of radios while driving. We worked to amend it and it failed. G. Baker explained the bill would have exempted police and fire, but it did not exempt utility use.

Allowing Seaplane landings in reservoirs did not come up in 2020. Allowing landings could be problematic for our maintenance and operation activities. Inspections for aquatic nuisance species might be more if they are going from one reservoir to another. Some other states are going through some of the same related issues. J. Campbell asked, who is trying to land seaplanes in Colorado? G. Baker replied, there are some Seaplane owners and operators that are based in Colorado. We are one of the few states that do not have a seaplane base and one of the few states that do not have an active aquatic nuisance species infestation as well.

K. Kitzmann stated, CPDHE proposed Dredge and Fill Permit Program legislation after the ten-week hiatus. Due to the complicated subject, water providers statewide and across various other industries opposed legislation that would create a new regulatory program in an abbreviated fashion. It would need robust stakeholder input, along with cost, and benefits analysis. The controversial draft legislation was not introduced. The proposed Dredge and Fill Permit Program may be an ongoing issue for the next couple of years and we may see some legislation introduced as early as next year.

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## 6. 2021 Preliminary Budget

G. Thrasher presented an overview of Aurora Water's 2021 preliminary budget and the Capital Improvement Budget for 2021-2025.

J. Campbell asked, in regard to the Wild Horse Reservoir, what does that \$113 million from this point in time and going to 2025 encompass, and is it all permitting work and surveying? J. Giddings stated, it was money we had already planned for in the budget, however, this is mostly for the permitting. J. Campbell asked, do you anticipate anything happening between now and 2025? J. Giddings replied, yes. G. Baker added, there would be a presentation on Wild Horse Reservoir either in September or October.

J. Campbell asked, if there was more insight to where the pipeline was going to go due to the potential options? G. Baker replied, that we can have John Clark join the next meeting to talk about Wild Horse.

G. Baker stated, the primary purpose of CWAC is to get a presentation to the Board and Commissions on September 8 and request a letter to City Council outlying either support or opposition of the proposed budget. J. Giddings stated, in the past, she and Gail have reviewed the presentation together with the presenter if they choose and are available if need be.

D. Eason asked, are there funds budgeted for Quincy Reservoir improvements and is abandoning Quincy still being considered? M. Brown replied, there are some short-term plans with Quincy Reservoir regarding chemical treatments and the addition of infrastructure to try and manage the water quality in the short-term, we are still currently evaluating a long-term plan.

D. Eason asked, he saw a project for a Sand Creek Reclaimed Water Line where will it be going? M. Brown replied, we are looking at extending the Sand Creek Reclaimed Water Line into the Northeast region in order to meet some of the oil and gas demands associated with signed agreements. J. Campbell asked, is that taking up some of the capacity that the Fitzsimons Golf Course used to use? M. Brown replied, we have some capacity associated with Fitzsimons going offline and we have some capacity with Centre Hills that went offline a few years ago. There has always been winter capacity in that system, that can be used to meet some of those industrial needs.

J. Campbell asked, are the proceeds from borrowing of \$128 million related to the SEAM Facility? J. Giddings replied, yes. J. Marlow asked, is there an update on the SEAM Facility? G. Baker replied, not at this time, we are still in the design phase.

J. Marlow asked, if the Water Policy Committee meeting was on Wednesday, July 22 and whether she needed to create and present a report? M. Brown suggested doing a written report, but being present in case of follow-up questions from Counsel. J. Marlow added, she would write the report and send it to Greg.

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## **8. Discussion of Water Policy Committee Quarterly Report**

None.

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**9. Confirm Next Meeting**

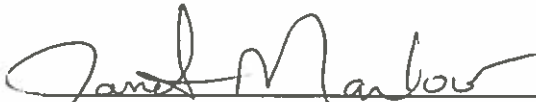
The next regular meeting will be held Tuesday, August 11, 2020, remotely via WebEx.

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**10. Adjourn**

The meeting was adjourned at 7:00 p.m.

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Janet Marlow, Chair  
Citizens' Water Advisory Committee

Adopted: \_\_\_\_\_

  
~~Submitted by: Sandy Moore  
Administrative Specialist, Aurora Water~~  
Submitted by: Casey Rossman  
Management Assistant