

Attachment 1



Authority Board Chair: Lora Thomas
Authority Board Vice-Chair: Laura Cavey
TAC Chair: Weston Martin
TAC Vice-Chair: Ryan Adrian

CHATFIELD WATERSHED AUTHORITY TAC MINUTES

**Chatfield Watershed Authority TAC Meeting
Tuesday, November 1, 2022
2:00 p. m. – 4:00 p. m.**

Member Attendees:

Weston Martin (PCWRA) Chair
Patrick O’Connell (Jefferson County)
Ryan Adrian (Douglas County) Vice-Chair
David Van Dellen (Town of Castle Rock)

Alternate Members, Other Associate Agencies & Attendees:

Alan Leak (RESPEC)
Michael Daugherty (Somach Simmons and Dunn)
Kirby Clark (PCWRA)
Kris Wahlers (DNR/CPW)
Diane Kielty (CWA)
Bill Szafranski (Lynker)
Kurt Walker (Pine Canyon)
Kevin Bierlein (Hydros)
Joni Nuttle (CDPHE)
Cathy Begij (JCD)

2:00 pm

Call to Order

The regular TAC meeting was called to order at 2:03 pm by TAC Chair Wes Martin. There were no disclosures.

ACTION/APPROVAL ITEMS (2:05 P.M. – 2:30 P.M.)

A. APPROVAL OF AGENDA

A motion was made by Ryan Adrian to approve the Chatfield TAC November 1, 2022, Agenda and seconded by Patrick O’Connell. Motion carried unanimously.

B. APPROVAL OF MEETING MINUTES

Approval of Chatfield TAC October 4, 2022, Meeting Minutes

A motion was made by Patrick O’Connell to approve the Chatfield TAC October 4, 2022, meeting minutes and seconded by Ryan Adrian. Motion carried unanimously.

C. APPROVAL/RATIFICATION OF INVOICES

The table summarizes the invoices included in the meeting packet.



Authority Board Chair: Lora Thomas
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CHATFIELD WATERSHED AUTHORITY TAC MINUTES

Total amount of invoices approved by CWA Manager was \$11,068.03.

Invoices < \$5,000 and within Budget and Scope (Manager’s Approval)	
SSD General Chatfield Invoice 3015374_September 2022	\$2,834.00
SSD WQCD-WQCC Chatfield Invoice 3015375_September 2022	\$442.00
SSD Pine Canyon Chatfield Invoice 3015376_September 2022	\$156.00
SSD Reg 73 Chatfield Invoice 3015377_September 2022	\$52.00
SSD Lakes Nutrients 2022 Chatfield Invoice 3015378_September 2022	\$2,119.03
RESPEC_W0035.22002-CWA-INV-30SEP22	\$4,715.00
TWS Sept 2022 Inv_22033_from_TWS_FINANCIAL_INC._13420	\$750.00
Credit_ Lynker_09 30 22 Chatfield_Watershed_Invoice	\$1,450.00
Invoices \$5,000 - \$15,000 and within Budget and Scope (TAC Approval*)	
Invoices > \$15,000 and/or any Amount not within Budget or Scope (Board Approval)	
*Also requires post-payment Board ratification at next quarterly Board Meeting	

D. RECOMMEND 2023 CWA BUDGET TO BOARD FOR APPROVAL

Sacred Heart has been moved from member dues status to voluntary dues status.

The Lobbyist budget estimate is at \$35,000. The lobbyist proposal selected is \$24,000. Recommend the Board keep the budget at \$35,000 for now and make adjustments if needed.

The number of TAC meetings allocated for the legal consultant is 4 hours per month. The Board did not provide additional comments.

A motion was made by David Van Dellen to recommend adopting the CWA 2023 budget as presented and seconded by Ryan Adrian. Motion carried unanimously.

E. RECOMMEND CHATFIELD 2023 MEETING SCHEDULE FOR APPROVAL (DIANE KIELTY)

A motion was made by Patrick O’Connell to approve the 2023 meeting schedule as presented and second by David Van Dellen. Motion carried unanimously.

DISCUSSION ITEMS (2:30 P.M. – 3:15 P.M.)

A. IDENTIFYING SOURCE OF TOTAL COLIFORM IN SELLERS GULCH (ALAN LEAK)



Authority Board Chair: Lora Thomas
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CHATFIELD WATERSHED AUTHORITY TAC MINUTES

There was a significant reduction in total coliform between 2021 and 2022. There was no determination of illicit discharge. Ryan Adrian has done additional research. The claim that it could be coming from the Fairgrounds was a concern. The facilities were investigated. No source was identified.

There is a trail near the confluence of Sellars Gulch and East Plum Creek where there is a beaver dam with a strong odor. This may be a place to conduct additional sampling. There are also two high rise apartments without common areas. Animals had been defecating in the area for a long time. There is signage to keep people out. Unsure if this has been helpful. Please prompt CSM to bring issues to TAC to resolve before they are presented to the Board.

The town did investigate the sewage manholes and found nothing at that time. The town may need to respond formally on this issue. The main sewer interceptor runs along the corridor. It is a difficult live line to video. They do intend to perform this service. There is also a discharge from the County detention pond. The town ran samples in the same location as CSM and have found positives. They did not run values. If there is an opportunity for speciation it would be useful. There is an additional line item for monitoring in the budget that could be used for speciation in that area.

Action: RESPEC will get a cost estimate for a speciation study in the Sellars Gulch location

B. LAKES NUTRIENTS CRITERIA RULEMAKING (MICHAEL DAUGHERTY & ALAN LEAK)

CWA's pre-hearing statement is due on December 23rd. A summary of possible actions that could be taken by the Authority was provided by SSD in the meeting packet. CDPHE provided a spreadsheet showing Chatfield's nitrogen levels over the past 17 years, but there is no total nitrogen number for Chatfield. The average over 11 years for Chatfield is a total nitrogen of 537. The proposed standard for Chatfield is 380. If this number is adopted, Chatfield would not be in compliance. Cherry Creek's cost estimate to develop a site-specific value is approximately \$90,000 - \$100,000.

TAC consensus is to not support the Division's proposed TN standard for Chatfield. The burden of proof is in the data and procedure in determining the standard. The TAC recommendation is to pursue a site-specific standard without having a specific date identified to establish that standard. The current budget does not allocate money toward creating a site-specific standard. CWA has been working on finalizing the TMDL, which has a target for completion of 2026. The goal after this is complete could be to identify a site-specific TN standard around 2027, if Chatfield receives a funding source. Chatfield has unique characteristics involved in meeting a site-specific standard, given it has both cold and warm water sources. Chatfield is classified as a cold-water reservoir. Chatfield is in compliance now and plans to move forward in a sequence. Request no standard until Chatfield develops a site-specific standard.

A motion was made by David Van Dellen and seconded by Patrick O'Connell to direct SSD to draft a prehearing statement for the WQCC's Lakes Nutrients rulemaking that indicates CWA takes the following position regarding the Division's proposed TN standard for Chatfield Reservoir: Request a site-specific standard for Chatfield that will be developed after other Chatfield modeling is finalized around



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CHATFIELD WATERSHED AUTHORITY TAC MINUTES

2026-2027. Recommend the CWA Board of Directors vote at the November 14, 2022, Board of Directors meeting in support of CWA's position as determined by TAC.

UPDATES (3:15 P.M. – 3:55 P.M.)

A. TECHNICAL (ALAN LEAK)

1. Response actions to Sun Jelly WWTD wasteload allocation violations update – No update.
2. Lynker Modeling Update - A draft memo was included in the TAC packet. The model was built to simulate total phosphorus loading in the Chatfield watershed. The point source model results may or may not impact CWA's final position in the Lakes Nutrients Criteria hearing. RESPEC asked TAC to review the memo and make comments with the goal to have a final technical memo prepared for approval at the December TAC meeting.
3. Chatfield Reservoir Mitigation Company Update – No update.
4. Other Member – There was discussion regarding a letter from CPW for support of a perpetual water lease that is completely voluntary. A Letter of Concurrence was sent to the impacted counties, Jefferson and Douglas. This would be to fill existing CPW storage. It would support the fishery source in the South Platte during low-flow periods and hatcheries. CPW has ability to store water, but they have very junior water rights. Goal is to maintain steady flows and support hatchery development. CPW would like to have this letter finalized by the end of 2022. In the long-term this could be beneficial to Chatfield as well.

B. LEGAL (MICHAEL DAUGHERTY)

- A. Regulatory Update – Regulation #73 is postponed.
- B. Lobbyist Update – The RFQ was included in the TAC meeting packet. Steve Balcerovich and Amy Attwood is the lobbyist group chosen to represent CWA for seeking a dedicated revenue source for the Authority. A meeting was held on Monday with this group to develop a scope of work. The contract is in draft form. The lobbyists are going to refine the scope and bring it to the next Board meeting.

Action: Manager contact Steve Balcerovich to get list together for the scope prior to the November board meeting and move forward on contracting. There is a suggested 5-year limit on the funding for this contract.

C. MANAGER (DIANE KIELTY)

1. Chatfield Board W&S and Other Elections Update – Request made to W&S members and Other members to return your ballots. We need a quorum.



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CHATFIELD WATERSHED AUTHORITY TAC MINUTES

D. FINANCIAL (DIANE KIELTY)

1. August Financial Summary – Summary provided in the meeting packet.

E. EXECUTIVE SESSION

24-6-402(4)(b) C.R.S. Conferences with an attorney for the purpose of receiving legal advice on specific legal questions.

UPCOMING MEETINGS (3:55 P.M. – 4:00 P.M.)

A. *Next Scheduled TAC Meetings:*

- a) Tuesday, December 6th, 2022: 2:00 – 4:00 p.m., Google Meet Online

B. *Next Scheduled Board Meeting:*

- a) Monday, November 14, 2022: 3:00 – 5:00 p.m., Hybrid Live & Online

Hybrid | Live & Virtual

A WebEx link to the virtual room will be sent to you individually before the meeting. The link will come from Douglas County.

Live at Highland Heritage Park Administration Building, 9651 S Quebec St.,
Highlands Ranch, CO 80130 80129

3:29 p.m.

Adjournment

Attachment 2

Invoice to: Chatfield Watershed Authority
P.O. Box 460736
Denver, CO 80246

Project Name

Grantee: Colorado Watershed Assembly CWA Chatfield 2022 016
Address: P.O. Box 460736 3rd Q
Denver, CO 80246
Phone No.: (303)345-1675

Contract or Purchase
Order No.:

Contract Amount:

Date of Invoice: November 30, 2022

Task	Description	Total Budget/Grant	Previously	Current	Remaining	Percent
1	Chatfield Management	\$36,050	\$14,610	\$11,100	\$10,340	71.3%
2	Chatfield Website Management	\$3,708	\$3,210	\$498	\$0	100.0%
	TOTALS	\$39,758	\$17,820	\$11,598	\$10,340	

Submitted by: Casey Davenhill

Title: Executive Director, Colorado Watershed Assembly

Signature: 

November 30, 2022

Attachment 3



Lynker Technologies, LLC
 338 E Market Street
 Suite 100
 Leesburg, VA 20176

Invoice

Date 11/15/22 **No.** SI010430

Billing Period 10/01/22 to 10/31/22
 Period of Perf. 07/01/21 to 12/31/22

Bill To
 Chatfield Watershed Authority
 PO Box 460736
 Glendale, Colorado 80246
 USA

Prime Cont. No.	Contract Type	Funded	Funded Fee	% Rem.	Fund. Rem.	Project No.	Due Date
	TM	29,360		57.75	16,955.00	10112-001	12/15/22

Description	Current		ITD	
	Rate	Hrs	Billing	Billing
Labor				
TASK 1 Model Discussions				
Joshua Sturtevant (Water Resource Scientist)	100.00			100.00
William Szafranski (Water Resource Scientist)	120.00			30.00
TASK 2 Simulate Watershed wo Discharges				
Cameron Wobus (Climate Change Project Lead)	180.00			225.00
William Szafranski (Water Resource Scientist)	120.00			3,420.00
TASK 3 Simultate Wasteload Allocation				
Nayoung Hur (Junior Water Resource Engineer)	100.00	25.00	2,500.00	3,500.00
William Szafranski (Water Resource Scientist)	120.00	32.00	3,840.00	5,130.00
	Labor Subtotal	57.00	6,340.00	12,405.00
	Withholding		0.00	0.00
	Invoice Subtotal	57.00	6,340.00	12,405.00
	Sales Tax		0.00	
	Invoice Total		6,340.00	
	Overpayment		675.00	
	Invoice Total		5,665.00	

Attachment 4



Bill To:

Chatfield Watershed Autho
 Attn: Diane Keilty
 P.O. Box 460736
 Denver, CO 80246

Remit To:

RESPEC
 Attn: Accounts Receivable
 P.O. Box 725
 Rapid City, SD 57709-0725

Phone (605) 394-6400, FAX (605) 394-6514

Contract Number :	Invoice Date	10/31/22
Purchase Order No.	Payment Terms :	NET 30
RESPEC Project Number :	Invoice No.	INV-1022-427
W0035.22002	Invoice Period:	10/01/2022 - 10/31/2022

June 2021 - May 2022 Contract

Description	Budget	Previous Billings	Current Billings	Billed to Date	Amount Remaining	Percent Complete	Amount Due This Invoice
Board & Committee Support	\$21,190.00	\$5,842.50	\$3,280.00	\$9,122.50	\$12,067.50	43.05%	\$3,280.00
Water Quality Monitoring Data	\$9,410.00	\$3,540.00	\$4,520.00	\$8,060.00	\$1,350.00	85.65%	\$4,520.00
Regulatory Technical Support	\$18,975.00	\$9,635.00	\$820.00	\$10,455.00	\$8,520.00	55.10%	\$820.00
Advancing Strategic Initiatives	\$27,760.00	\$1,537.50	\$102.50	\$1,640.00	\$26,120.00	5.91%	\$102.50
Direct Expenses	\$360.00		\$28.75	\$28.75	\$331.25	7.99%	\$28.75
Grand Total	\$77,695.00	\$20,555.00	\$8,751.25	\$29,306.25	\$48,388.75	37.720%	\$8,751.25
AMOUNT DUE THIS INVOICE							\$8,751.25



Invoice Supporting Information

Cost Category	PLC Desc	RESPEC Project No.	Name	Week Ending Date	Hours	Billing Rate	Amount To Bill	Reference #	Description	
Labor	Hydrologist	W0035.22002.002	Cross, Andrew R	10/08/22	2.00	\$105.00	\$210.00		Labor Hours	
	Hydrologist	W0035.22002.002		10/15/22	24.00	\$105.00	\$2,520.00		Labor Hours	
	Hydrologist	W0035.22002.002		10/22/22	5.00	\$105.00	\$525.00		Labor Hours	
	Hydrologist	W0035.22002.002		10/29/22	3.00	\$105.00	\$315.00		Labor Hours	
						34.00		\$3,570.00		
	Wastewater Engineer	W0035.22002.002	Gilley, Alicia D	10/08/22	5.00	\$190.00	\$950.00		Labor Hours	
						5.00		\$950.00		
	Principal	W0035.22002.001	Leak, Alan J	10/08/22	3.00	\$205.00	\$615.00		Labor Hours	
	Principal	W0035.22002.003		10/08/22	1.50	\$205.00	\$307.50		Labor Hours	
	Principal	W0035.22002.004		10/08/22	0.50	\$205.00	\$102.50		Labor Hours	
	Principal	W0035.22002.001		10/15/22	5.00	\$205.00	\$1,025.00		Labor Hours	
	Principal	W0035.22002.001		10/22/22	4.50	\$205.00	\$922.50		Labor Hours	
	Principal	W0035.22002.003		10/22/22	2.50	\$205.00	\$512.50		Labor Hours	
	Principal	W0035.22002.001		10/29/22	2.50	\$205.00	\$512.50		Labor Hours	
Principal	W0035.22002.001	10/31/22		1.00	\$205.00	\$205.00		Labor Hours		
					20.50		\$4,202.50			
Labor					59.50		\$8,722.50			
Travel		W0035.22002.000	Alan J. Leak				\$28.75	230156	10/17 CWA Board Mtg 46mi	
							\$28.75			
Travel							\$28.75			
Total					59.50		\$8,751.25			



Task Summary

RESPEC Project ID & Description	Current Hours	Current Dollars	Hours Billed to Date	Dollars Billed to Date
W0035.22002.000 - Direct Expenses		\$28.75		\$28.75
W0035.22002.001 - Board & Committee Support	16.00	\$3,280.00	44.50	\$9,122.50
W0035.22002.002 - Water Quality Monitoring Data	39.00	\$4,520.00	68.50	\$8,060.00
W0035.22002.003 - Regulatory Technical Support	4.00	\$820.00	51.00	\$10,455.00
W0035.22002.004 - Advancing Strategic Initiatives	0.50	\$102.50	8.00	\$1,640.00
Overall - Total	59.50	\$8,751.25	172.00	\$29,306.25

Attachment 5

Invoice Listing

Sort Order: Client-Matter

Invoices Sorted by: Invoice Number

Selection: Chatfield Watershed Authority - All Matters

Posted Invoices

Invoices Dated: 2/1/2022 - 11/09/2022

Matter Name	Matter Code	Invoice #	Invoice Date	Fees	Expenses	Costs	Interest	Total	2022 Totals
General	1	3015693	11/9/2022	5,988.50	-	11.87	-	6,000.37	30,769.50
WQCD-WQCC	2		*	*	*	*	* *		4,519.38
Pine Canyon Application	3		*	*	*	*	*	*	2,933.50
Reg. 73 Triennial Review	4	3015596	11/9/2022	182.00	-	-	-	182.00	1,454.00
Policy Revision Project	5		*	*	*	*	*	*	1,512.00
2022 Lakes Nutrients Rulemaking Hearing	6	3015597	11/9/2022	2,308.00	-	-	-	2,308.00	18,733.53
Client Year Totals				\$ 8,478.50	\$ -	\$ 11.87	\$ -	\$ 8,490.37	\$ 59,921.91

* No Invoice This Month

2022 Budget	\$ 84,240.00	
Amount Billed	\$ 59,921.91	71.1%
Budget Remaining	\$ 24,318.09	28.9%

Invoice Listing

Sort Order: Department
 Selection: Filters Set (1)
 Invoices Dated: 2/1/2022 - 11/9/2022

Invoices Sorted by: Client-Mater
 Posted Invoices
 Void Invoices
 Unposted Invoices

Client	Matter	Invoice #	Invoice Date	Fees	Expenses	Costs	Interest	Tax	Total	
Default Department										
002051 CHATFIELD WATERSHED AUTHORITY										
		000001	3012879	02/14/2022	\$5,958.00	\$0.00	\$0.00	\$0.00	\$0.00	\$5,958.00
		000001	3013172	03/15/2022	\$2,508.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,508.00
		000001	3013463	04/20/2022	\$1,197.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,197.00
		000001	3013770	05/17/2022	\$3,350.50	\$0.00	\$0.00	\$0.00	\$0.00	\$3,350.50
		000001	3014308	07/13/2022	\$3,633.50	\$0.00	\$56.00	\$0.00	\$0.00	\$3,689.50
		000001	3014636	08/12/2022	\$3,518.50	\$0.00	\$140.63	\$0.00	\$0.00	\$3,659.13
		000001	3014848	09/15/2022	\$1,573.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,573.00
		000001	3015374	10/13/2022	\$2,834.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,834.00
		000001	3015693	11/09/2022	\$5,988.50	\$0.00	\$11.87	\$0.00	\$0.00	\$6,000.37
					\$30,561.00	\$0.00	\$208.50	\$0.00	\$0.00	\$30,769.50
		000002	3012880	02/14/2022	\$520.00	\$0.00	\$0.00	\$0.00	\$0.00	\$520.00
		000002	3013753	05/17/2022	\$180.00	\$0.00	\$0.00	\$0.00	\$0.00	\$180.00
		000002	3014067	06/17/2022	\$2,353.00	\$0.00	\$138.54	\$0.00	\$0.00	\$2,491.54
		000002	3014417	07/13/2022	\$650.00	\$0.00	\$57.84	\$0.00	\$0.00	\$707.84
		000002	3014637	08/12/2022	\$52.00	\$0.00	\$0.00	\$0.00	\$0.00	\$52.00
		000002	3014849	09/15/2022	\$126.00	\$0.00	\$0.00	\$0.00	\$0.00	\$126.00
		000002	3015375	10/13/2022	\$442.00	\$0.00	\$0.00	\$0.00	\$0.00	\$442.00
					\$4,323.00	\$0.00	\$196.38	\$0.00	\$0.00	\$4,519.38
		000003	3013771	05/17/2022	\$1,905.50	\$0.00	\$0.00	\$0.00	\$0.00	\$1,905.50
		000003	3014068	06/17/2022	\$872.00	\$0.00	\$0.00	\$0.00	\$0.00	\$872.00
		000003	3015376	10/13/2022	\$156.00	\$0.00	\$0.00	\$0.00	\$0.00	\$156.00
					\$2,933.50	\$0.00	\$0.00	\$0.00	\$0.00	\$2,933.50
		000004	3012881	02/14/2022	\$598.00	\$0.00	\$0.00	\$0.00	\$0.00	\$598.00
		000004	3013173	03/15/2022	\$504.00	\$0.00	\$0.00	\$0.00	\$0.00	\$504.00
		000004	3014311	07/13/2022	\$40.00	\$0.00	\$0.00	\$0.00	\$0.00	\$40.00
		000004	3014850	09/15/2022	\$78.00	\$0.00	\$0.00	\$0.00	\$0.00	\$78.00
		000004	3015377	10/13/2022	\$52.00	\$0.00	\$0.00	\$0.00	\$0.00	\$52.00
		000004	3015596	11/09/2022	\$182.00	\$0.00	\$0.00	\$0.00	\$0.00	\$182.00
					\$1,454.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,454.00
		000005	3012882	02/14/2022	\$1,380.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,380.00
		000005	3013174	03/15/2022	\$132.00	\$0.00	\$0.00	\$0.00	\$0.00	\$132.00
					\$1,512.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,512.00

Invoice Listing

Sort Order: Department
 Selection: Filters Set (1)
 Invoices Dated: 2/1/2022 - 11/9/2022

Invoices Sorted by: Client-Mater
 Posted Invoices
 Void Invoices
 Unposted Invoices

Client	Matter	Invoice #	Invoice Date	Fees	Expenses	Costs	Interest	Tax	Total
Default Department									
002051	CHATFIELD WATERSHED AUTHORITY								
	000006	3014418	07/13/2022	\$624.00	\$0.00	\$0.00	\$0.00	\$0.00	\$624.00
	000006	3014638	08/12/2022	\$1,817.50	\$0.00	\$0.00	\$0.00	\$0.00	\$1,817.50
	000006	3014851	09/15/2022	\$11,865.00	\$0.00	\$0.00	\$0.00	\$0.00	\$11,865.00
	000006	3015378	10/13/2022	\$2,092.00	\$0.00	\$27.03	\$0.00	\$0.00	\$2,119.03
	000006	3015597	11/09/2022	\$2,308.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,308.00
				\$18,706.50	\$0.00	\$27.03	\$0.00	\$0.00	\$18,733.53
				\$59,490.00	\$0.00	\$431.91	\$0.00	\$0.00	\$59,921.91
	Department Total:			\$59,490.00	\$0.00	\$431.91	\$0.00	\$0.00	\$59,921.91
	Report Total:			\$59,490.00	\$0.00	\$431.91	\$0.00	\$0.00	\$59,921.91

Attachment 6

Somach Simmons & Dunn

Attorneys at Law

500 Capitol Mall, Suite 1000

Sacramento, California 95814

Federal Tax I.D. No.: 68-0261618

somalaw.com

Telephone: (916) 446-7979

Fax: (916) 446-8199

Chatfield Watershed Authority

P.O. Box 460736

Glendale, CO 80246-0736

Attention: Diane Kielty, Program Manager

November 09, 2022

Client: 002051

Matter: 000001

Invoice #: 3015693

Resp. Atty: SAK

Page: 1

RE: General

For Professional Services Rendered Through October 31, 2022

Total Services	\$5,988.50
Total Disbursements	\$11.87
Total Current Charges	\$6,000.37
Previous Balance	\$4,407.00
<i>Less Payments</i>	<i>(\$4,407.00)</i>
PAY THIS AMOUNT	\$6,000.37

Remittance Advice

Check Payable To:

Somach Simmons & Dunn
Attn.: Accounts Receivable
500 Capitol Mall, Suite 1000
Sacramento, California 95814

Please return this remittance page with your payment. Thank you.

Somach Simmons & Dunn
Attorneys at Law

November 09, 2022
Client: 002051
Matter: 000001
Invoice #: 3015693
Resp. Atty: SAK
Page: 3

DISBURSEMENTS

Date	Person	Description of Disbursements	Amount
09/30/2022	MWD	Online Legal Research	\$11.87
		Total Disbursements	\$11.87
		Total Services	\$5,988.50
		Total Disbursements	\$11.87
		Total Current Charges	\$6,000.37
		Previous Balance	\$4,407.00
		<i>Less Payments</i>	<i>(\$4,407.00)</i>
		PAY THIS AMOUNT	\$6,000.37

Somach Simmons & Dunn

Attorneys at Law

500 Capitol Mall, Suite 1000

Sacramento, California 95814

Federal Tax I.D. No.: 68-0261618

somachlaw.com

Telephone: (916) 446-7979

Fax: (916) 446-8199

Chatfield Watershed Authority

P.O. Box 460736

Glendale, CO 80246-0736

Attention: Diane Kielty, Program Manager

November 09, 2022

Client: 002051

Matter: 000004

Invoice #: 3015596

Resp. Atty: SAK

Page: 1

RE: Reg. 73 Triennial Review

For Professional Services Rendered Through October 31, 2022

Total Services	\$182.00
Total Current Charges	\$182.00
Previous Balance	\$130.00
<i>Less Payments</i>	<i>(\$130.00)</i>
PAY THIS AMOUNT	\$182.00

Remittance Advice

Check Payable To:

Somach Simmons & Dunn
Attn.: Accounts Receivable
500 Capitol Mall, Suite 1000
Sacramento, California 95814

Please return this remittance page with your payment. Thank you.

Somach Simmons & Dunn

Attorneys at Law

500 Capitol Mall, Suite 1000

Sacramento, California 95814

Federal Tax I.D. No.: 68-0261618

somachlaw.com

Telephone: (916) 446-7979

Fax: (916) 446-8199

Chatfield Watershed Authority

P.O. Box 460736

Glendale, CO 80246-0736

Attention: Diane Kielty, Program Manager

November 09, 2022

Client: 002051

Matter: 000006

Invoice #: 3015597

Resp. Atty: SAK

Page: 1

RE: 2022 Lakes Nutrients Rulemaking Hearing

For Professional Services Rendered Through October 31, 2022

Total Services	\$2,308.00
Total Current Charges	\$2,308.00
Previous Balance	\$13,984.03
<i>Less Payments</i>	<i>(\$13,984.03)</i>
PAY THIS AMOUNT	\$2,308.00

Remittance Advice

Check Payable To:

Somach Simmons & Dunn
Attn.: Accounts Receivable
500 Capitol Mall, Suite 1000
Sacramento, California 95814

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Attachment 7

TWS FINANCIAL INC.

CERTIFIED PUBLIC ACCOUNTANTS
6901 S. Pierce St. #200
LITTLETON CO. 80128
(303) 933-4207

Invoice

Date	Invoice #
11/8/2022	22114

Bill To
Chatfield Watershed Authority 4255 N. US Highway 85 Castle Rock, Co 80108

P.O. No.	Terms	Project

Quantity	Description	Rate	Amount
	October 31, 2022 Financial Statement Prep.	750.00	750.00
Thank you for your business.		Total	\$750.00

Attachment 8

November 16, 2022

Jim Walker
Pine Canyon Water and Sanitation District
5975 E. Jamison Pl.
Centennial, CO 80122

Subject: New Domestic Wastewater Treatment Plant Site Location Decision
Regulation 22 Site Location Approval No. ES.20.SA.05399
Pine Canyon WSD, Pine Canyon Reclamation Facility
Colorado Discharge Permit System (CDPS) No. COUT
Douglas County

Dear Jim Walker:

The Water Quality Control Division (Division) has received and reviewed the site location application for the Pine Canyon Water and Sanitation District's Pine Canyon Water Reclamation Facility. The treatment plant is proposed to be located as follows: The SE ¼ of Section 34, Township 7 South, Range 67 West, in Douglas County. The treatment system will produce reclaimed water to be utilized for Category 3 uses in accordance with Regulation 84 - Reclaimed Water Control Regulation (Regulation 84) and Regulation 62 - Regulations of Effluent Limitations. Treated effluent will be land applied at agronomic rates in accordance with the approved Land Application Management Plan dated March 14, 2022, or most recent update. The treated effluent will be reused and/or land applied for landscape and crop irrigation.

The site location application has been found to be in conformance with the Water Quality Control Commission's *Site Location and Design Regulations for Domestic Wastewater Treatment Works, 5 CCR 1002-22* (Regulation 22) and is approved. This site location approval addresses the following summary of the proposed design and must meet the associated conditions:

1. Based upon application information, the treatment works will be designed to receive the following:

Hydraulic Design Capacity (Maximum Month Average Daily) - 0.405 million gallons per day (MGD)

Organic Design Capacity (Maximum Month Average) - 1,485 lbs. BOD₅/day

2. As a result of the project, the following processes will be utilized at the proposed treatment plant:
 - Liquid Process: The liquid treatment process includes fine screening; grit removal; advanced biological treatment consisting of anaerobic, anoxic, aeration and membrane bioreactor (MBR) basins; metal salt addition; and ultraviolet disinfection.
 - Solids Process: The solids handling process includes waste activated sludge holding tanks and a dewatering system including polymer system, dewatering press, and cake solids handling.
3. The Pine Canyon Water and Sanitation District formation must be complete before construction commences.
4. Regulation 84, Reclaimed Water Control Regulation, distinguishes between localized and centralized treatment facilities based on the presence of industrial and other diluting sources. When the WWTF comes online, the facility will have minimal diluting sources and a small population. In this early stage, the facility is considered a localized treatment facility. However, according to the Preliminary Effluent Limits (PELs) dated June 6, 2022, the Division will grant a variance from Localized System requirements as long as the only use of reclaimed water is restricted-access landscape irrigation. The conditions of the variance described in the PELs must be complied with for the duration of the variance.
5. The system must control the rate of irrigation to ensure the application of effluent is at or below

agronomic rates for nutrients and/or evapotranspiration rates in accordance with the approved Land Application Management Plan (LAMP) dated March 14, 2022, or most recent update.

6. The design may use soil moisture probes or other systems to assure land application at agronomic rates with no or limited deep percolation and runoff. The actual location of the soil moisture probes or other systems will be determined during the permitting phase. If such proposed probe locations are shown in the site location application materials being approved, the locations of those compliance points are not approved until confirmed during the permitting phase.

This site location approval does not constitute design approval for construction. In accordance with Regulation 22, Section 22.13(1) and in addition to approval of the site location application, the applicant must obtain design approval of the treatment works from the Division prior to beginning construction.

This site location approval will expire on May 16, 2024. If construction has not commenced by this date, the approval will expire and a new application for site location approval may be required. Construction is defined as entering into a contract for the erection or physical placement of materials, equipment, piping, earthwork or buildings which are to be a part of a treatment works. In cases where the applicant elects to use in-house work forces, construction shall be considered to begin when any actions are initiated towards the previous activities.

In accordance with Regulation 22, Section 22.4(12), this site location approval is subject to appeal pursuant to the State Administrative Procedures Act.

This approval does not relieve the applicant/owner from compliance with all local, state, and federal regulations prior to construction nor from responsibility for proper engineering, construction and operation of the treatment works.

The following performance requirements must be completed before proceeding to construction and subsequent operation of the treatment plant:

1. The treatment plant design must be based upon the Preliminary Effluent Limits dated June 6, 2022, which was determined to be the Water Quality Planning Targets for the proposed project. Changes to the Water Quality Planning Targets as a result of changes made during design and/or construction may require submission of a request to amend this approval or submission of a revised site location application.
2. A letter of intent shall be submitted to the Division's Reclaimed Water Program to obtain a Treater Authorization for reuse of treated effluent from the treatment works. If there are questions concerning the Reclaimed Water Program or requirements for a Treater Authorization, please contact Brandi Honeycutt at brandi.honeycutt@state.co.us or at 303-692-6357. Please refer to the Division's Water Quality Reclaimed Water Permits web page for specific information about the authorization process. The web page is available at the following [link](#).

The Engineering Section is interested in gaining feedback about your experience during the engineering review process. We would appreciate your time to complete a Quality-of-Service Survey regarding your experience during the engineering review process leading up to issuance of this decision letter. The Engineering Section will use your responses and comments to identify strengths, target areas for improvement, and evaluate process improvements to better serve your needs. Please take a moment to fill out our survey [here](#).

If you should have any questions, please contact Emily Wong by phone at 303-692-3566 or by email at emily.wong@state.co.us.

Sincerely,

Bret Icenogle, P.E.
Engineering Section Manager
Water Quality Control Division
Colorado Department of Public Health and Environment

cc: Bob Frchetti, AQUA Engineering
Cody Vavra, AQUA Engineering
Kurt Walker, JRW Family Limited Partnership, LLLP.
Brian Hlavacek, Tri-County Health Department
Warren Brown, Tri-County Health Department
Alan Leak, Chatfield Watershed Authority
Mark Marlowe, Castle Rock Water
Doug DeBord, Douglas County
Curt Weitkunat, Douglas County
Matt Jakubowski, Douglas County
Mike Emming, WQCD Engineering Review Unit Manager
David Kurz, WQCD ES Lead Wastewater Engineer
Joni Nuttle, WQCD Watershed Section, Restoration and Protection Unit
Brandi Honeycutt, WQCD Permits Section
Mary Welch, WQCD Permits Section
Michelle DeLaria, WQCD Permits Section
Meg Parish, WQCD Permits Section

Attachment 9



EXTERNAL MEMORANDUM

To: Chatfield Watershed Authority Technical Advisory Committee ("CWATAC")

From: Alan J. Leak, P.E.
Principal
RESPEC
720 South Colorado Blvd., Suite 410 S
Denver, CO 80246

Date: November 30, 2022

Subject: Perry Park Water and Sanitation District (PPWSD) – Waucondah Wastewater Treatment Facility (WWTF) Site Application – Review Status Report

PROJECT SUMMARY

Site Application for the replacement of the existing aerobic digestion facilities with a new aerobic digestion process.

APPLICABLE REGULATIONS /DOCUMENTS

- / Regulation #73
- / CWA Policy - Review Criteria for Site Location and Design Approvals (1/24/2022)
- / Regulation #22
- / Regulation #22 Implementation Policy (Clean Water Program Policy Number: CW-14)

TIMELINE

- / November 16, 2022 - Site Application submitted to CWA
- / November 30, 2022 – Review application completed

SITE APPLICATION

The Site Application (Application) was initially reviewed based upon the CWA's Review Criteria for Site Location and Design Approvals. The criteria for review is presented in the "Authority Review Criteria" section as follows:

1. Phosphorus Wasteload Allocation - Control Regulation 73 includes phosphorus wasteload allocations (in pounds per year) that are distributed among sources. Section 73.3.2(c) provides a list of sources including WWTFs and each source's respective wasteload allocation. The Applicant will demonstrate the annual phosphorus wasteload allocation is not in exceedance and/or provides a plan of how the Applicant will remain within the designated annual phosphorus wasteload allocation.

720 SOUTH COLORADO BLVD.
SUITE 410 S
DENVER, CO 80246
303.757.3655



2. Phosphorus Concentration Limit - Control Regulation 73 includes the design capacity discharge from a receiving WWTF will not exceed 1.0 mg/l total phosphorus as a 30-day average concentration.
3. Emergency Response Criteria - The Chatfield Watershed Authority has previously adopted for its use the March 28, 2002, Cherry Creek Reservoir Watershed Site Application Review Process Emergency Response Plan Criteria (Cherry Creek ERP Criteria). The applicant will demonstrate in the site location approval application that all Cherry Creek ERP Criteria are addressed. For WWTFs each applicant will include information regarding generator back-up systems, response plan to overflow, plans to avoid spills, and cover all Cherry Creek ERP Criteria.
4. Consolidation of Treatment Works – Regulation 22 requires that site location applications be accompanied by an engineering report that addresses, among other information, analysis of opportunities for consolidation of treatment works. Based on § 25-8-702(2), Regulation 22 requires that the Division encourage the consolidation of treatment works whenever feasible with consideration of such issues as water conservation, water rights utilization, stream flow, water quality, or economics. In reviewing site applications, the Authority will consider whether applicant has met the requirements of Regulation 22 with respect to the consolidation of treatment works. The Authority may also consider, at its discretion, other requirements set forth in Regulation 22.

SITE APPLICATION INITIAL REVIEW FINDINGS

Our initial review findings on the Application are as follows:

1. Phosphorus Wasteload Allocation:

A phosphorus wasteload allocation was not considered because the proposed aerobic digestion system improvements will not result in a change to the current phosphorus allocation for Perry Park Water and Sanitation District. No change in phosphorus wasteload allocation is requested or expected with the proposed aerobic digestion system improvements.
2. Phosphorus Concentration Limit:

The PPWSD Waucondah WWTF is currently permitted by the Colorado Department of Public Health and Environment (CDPHE) to operate the WWTP under the Colorado Discharge Permit System (CDPS), Permit CO-0022551. This permit was reissued in 2012 and has been administratively extended since the expiration on June 30, 2017. The effluent limitation for phosphorus as a 30-day average is 1 mg/L. From January 2007 through January 2012, the reported average effluent phosphorus concentration was 0.26 mg/L, with a minimum of 0.02 mg/L and a maximum of 0.83 mg/L.
3. Emergency Response Criteria:
 - a. The Application includes the replacement of the existing emergency back-up power generator.
 - b. The Application identifies potential spill causes and includes the necessary systems to minimize the risk of such overflows.
 - c. The Application addresses the operation and maintenance practices or engineering features to address and prevent sanitary sewer overflows.



4. Consolidation of Treatment Works:

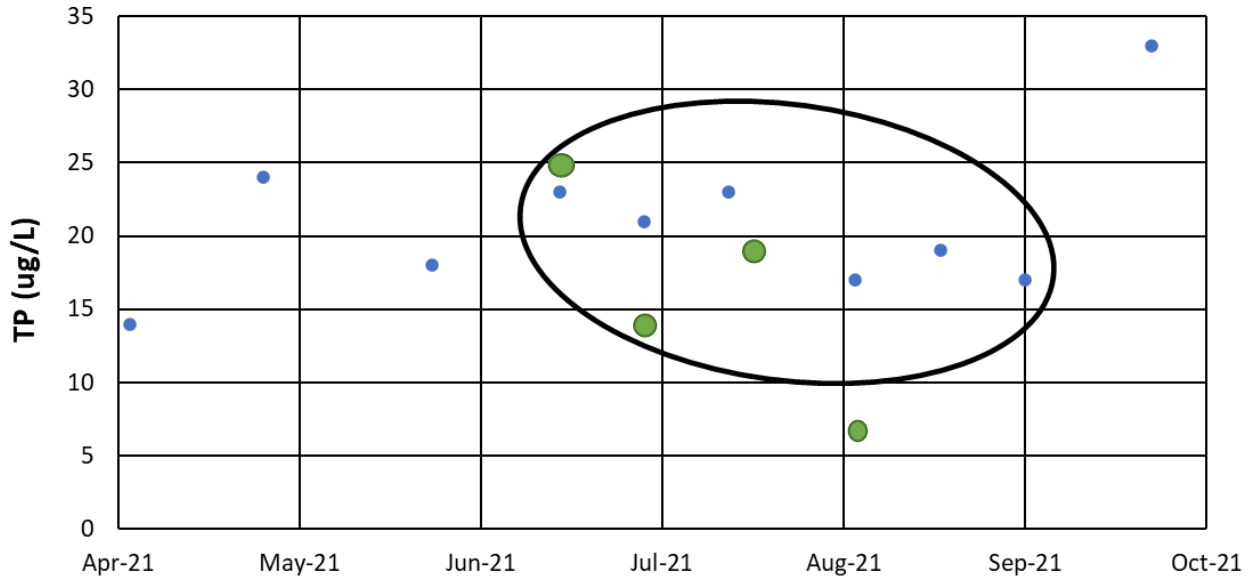
The consolidation of treatment works was not considered because this site application is for improvements at an existing wastewater treatment facility.

CONCLUSIONS AND RECOMMENDATIONS

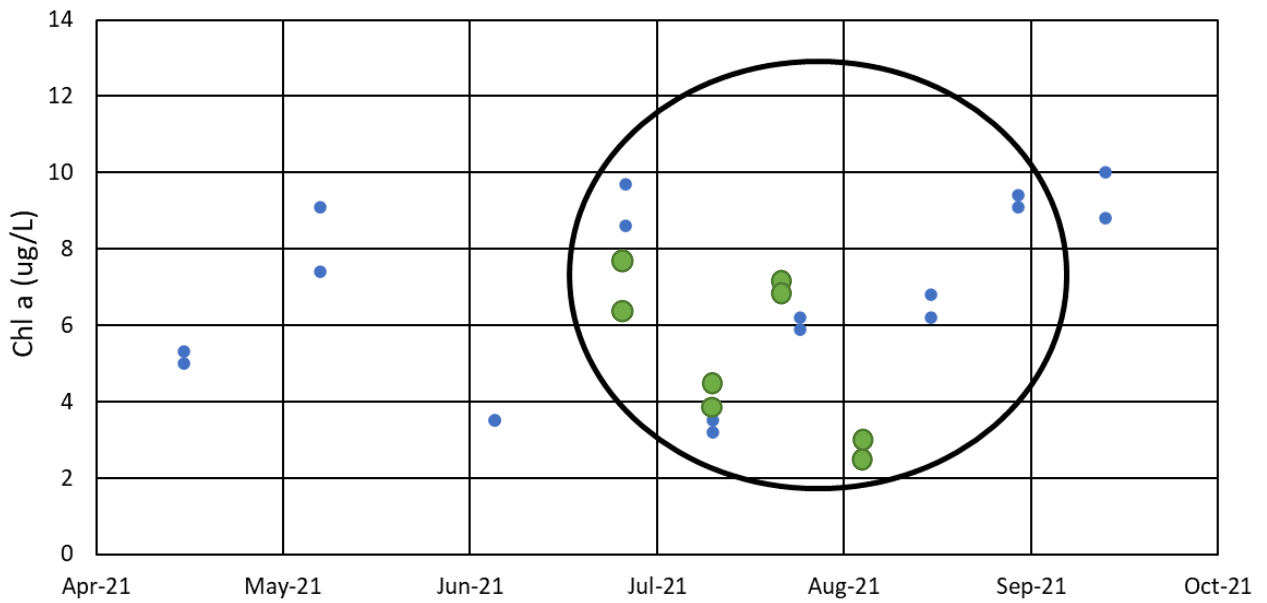
The proposed site application meets the Authority's Review Criteria for Site Location and Design Approvals. It is recommended that the Authority recommend approval of the site application to the Division.

Attachment 10

2021 Chatfield Reservoir Centroid Total Phosphorus



2021 Chatfield Reservoir Centroid Chlorophyll *a*



● 2022 Data Points

Attachment 11

WATER QUALITY CONTROL COMMISSION
STATE OF COLORADO

RESPONSIVE PREHEARING STATEMENT OF
THE CHATFIELD WATERSHED AUTHORITY

IN THE MATTER OF PROPOSED ADOPTION OF REVISIONS TO THE BASIC STANDARDS AND METHODOLOGIES FOR SURFACE WATER (REGULATION NO. 31); REVISIONS TO CLASSIFICATIONS AND NUMERIC STANDARDS FOR ARKANSAS RIVER BASIN (REGULATION NO. 32), UPPER COLORADO RIVER BASIN AND NORTH PLATTE RIVER (PLANNING REGION 12) (REGULATION NO. 33), SAN JUAN RIVER AND DOLORES RIVER BASINS (REGULATION NO. 34), GUNNISON AND LOWER DOLORES RIVER BASINS (REGULATION NO. 35), RIO GRANDE BASIN (REGULATION NO. 36), LOWER COLORADO RIVER BASIN (REGULATION NO. 37), AND SOUTH PLATTE RIVER BASIN, LARAMIE RIVER BASIN, REPUBLICAN RIVER BASIN, SMOKY HILL RIVER BASIN (REGULATION NO. 38); REVISIONS TO NUTRIENTS MANAGEMENT CONTROL REGULATION (REGULATION NO. 85)

The Chatfield Watershed Authority (“CWA” or the “Authority”), by and through its counsel, Somach Simmons & Dunn P.C., submits this Responsive Prehearing Statement (“RPHS”) for the above captioned matter to the Colorado Water Quality Control Commission (the “Commission”).

I. Executive Summary

While CWA generally supports the Water Quality Control Division’s (the “Division”) efforts to improve the water quality of Colorado’s lakes and reservoirs, CWA opposes the Division’s proposal to apply the table value standard for total nitrogen (“TN”) of 380 ug/L to Chatfield Reservoir beginning in 2023. Rather, CWA proposes for the development and implementation of a site-specific standard that takes into consideration Chatfield Reservoir’s unique characteristics and track record of regulatory compliance.

Chatfield Reservoir already has site-specific standards for chlorophyll-a of 10 ug/L and total phosphorus of 30 ug/L in Regulation 38, and limits on the total maximum annual load (“TMAL”) for phosphorus of 19,600 lbs/y under a median flow of 100,860 AF/y in Regulation 73. Furthermore, CWA has implemented nonpoint source controls for areas within its jurisdiction with the goal of reducing nonpoint source phosphorus in the watershed, and is in the process of collecting long-term data suitable for development of site-specific nutrient standards.

Chatfield Reservoir continues to meet its water quality standards on a consistent basis, has generally avoided the most concerning toxic algal blooms that have impacted other Colorado reservoirs, and expends significant resources on various efforts to protect Chatfield Reservoir's water quality, which appears to be improving as a result. CWA supports the implementation of nutrient standards that the science and data indicate will improve Chatfield Reservoir's water quality. However, imposing a standard that is not tailored to Chatfield Reservoir nor supported by the available data and science—merely to impose a standard—will have little benefit to water quality in the watershed, but such a standard will surely increase the cost to wastewater treatment plants and, as a result, the general public.

Accordingly, CWA respectfully requests that the Commission reject the Division's proposal to impose the table value TN standard of 380 ug/L on Chatfield Reservoir in 2023 and instead provide for the development of a site-specific TN standard for Chatfield Reservoir pursuant to Sections 31.7(1)(b)(ii) and (ii) of Regulation No. 31. Due to CWA's limited financial resources, CWA proposes to develop the site-specific standard once CWA has completed work on its revised TMAL, which is expected to occur in 2026. CWA further requests that the Commission refrain from imposing any TN standard on Chatfield Reservoir prior to the development of a site-specific standard.

II. Background on CWA and Chatfield Reservoir

Chatfield Reservoir is located fifteen (15) miles southwest of Denver, Colorado, and the Chatfield watershed encompasses 483 square miles, spanning parts of Jefferson, Douglas, and El Paso counties. The Reservoir receives drainage from two primary drainage basins: the South Platte River basin and the Plum Creek basin. Approximately 24 miles of Interstate 25 and 14 miles of U.S. Highway 85 run through the watershed. CWA seeks to protect the waters of the Chatfield watershed to support drinking water supplies, aquatic life, recreation, and agricultural uses through stakeholder collaborative efforts by prioritizing and implementing activities that maintain and measurably improve water quality in the watershed.

Since 1984, CWA has undertaken measures to protect water quality in Chatfield Reservoir and its watershed. CWA was designated by the Governor of Colorado and the U.S. Environmental Protection Agency ("EPA") as the 208 Management Agency (for wastewater management) for the Chatfield watershed. In addition to its 208 responsibilities, CWA, in coordination with its membership agencies, implements point source, nonpoint source, and stormwater controls pursuant to Regulation 73 to protect water quality and beneficial uses in Chatfield Reservoir. CWA's membership is composed of the following entities: the City and County of Denver (acting by and through its Board of Water Commissioners); City of Littleton, Douglas County, Jefferson County, Roxborough Water and Sanitation District, Town of Castle Rock, Perry Park Water and Sanitation District, Centennial Water and Sanitation District, Town of Larkspur, Castle Pines Metropolitan District, Dominion Water and Sanitation District,

Louviers Water and Sanitation District, and Plum Creek Water Reclamation Authority. In addition to the dues that each member pays to support CWA's efforts, each entity also expends a significant amount of money on other efforts to improve the water quality of the Chatfield watershed and beyond.

CWA has implemented a watershed plan that involves monitoring and modeling to identify issues that negatively affect Chatfield Reservoir's water quality. According to the watershed plan, the majority of pollutants of concern (chlorophyll a and phosphorus) within Chatfield Reservoir comes from nonpoint sources, including erosion from degraded streambanks, stormwater runoff, leachate from poorly functioning or unmaintained septic systems, runoff from agricultural lands, and runoff from wildfire burn areas. In addition to the watershed plan, the U.S. Army Corps of Engineers in coordination with the Colorado Water Conservation Board developed a plan for the reallocation of water storage in Chatfield Reservoir to accommodate a growing demand for water in the Front Range. In May 2020, project participants began storing water in the new reallocation pool for the first time and initiated a five-year monitoring and reporting program to determine water quality and other impacts. The watershed plan and reallocation project serve as two examples of ongoing efforts by a wide range of stakeholders to improve water quality in Chatfield Reservoir.

The Chatfield Reservoir Control Regulation No. 73, 5 CCR 1002-73, is a watershed-scale implementation plan for meeting a TMAL of total phosphorus to Chatfield Reservoir. The regulation identifies a TMAL for phosphorus of 19,600 lbs/y under a median inflow of 100,860 AF/y to attain the water quality standards for 10 ug/l chlorophyll a and 0.030 mg/L total phosphorus, as described in Regulation No. 38. The control regulation also includes sections that guide permitting effluent limitations and point source allocations, phosphorus trading, determinations of wasteloads, monitoring and reports, and nonpoint source controls. The control regulation does not provide for TN regulation.

Over the past ten (10) years, Chatfield Reservoir has generally attained its site-specific standards for phosphorus and chlorophyll a. As a result, Chatfield Reservoir has avoided the toxic algal blooms that have proved problematic for other urban Colorado reservoirs. If the Commission decides to implement the Division's proposed table value TN standard at Chatfield Reservoir beginning in 2023, that could lead to the reservoir falling out of regulatory compliance despite continuing to meet its site-specific chlorophyll a and phosphorus standards. The increased costs associated with coming into compliance with the Division's table value TN standard would likely require CWA to postpone and/or terminate much of the work related to the watershed plan.

III. Discussion

As discussed above, CWA supports the development of a site-specific TN standard for Chatfield Reservoir. CWA has concerns related to the Division's categorization of the state's

lakes and reservoirs as well as the dataset used by the Division in calculating the proposed revised table value nutrient standards, as discussed in further detail below. In addition, CWA has developed a base watershed model to aid in efforts to protect and improve the water quality of Chatfield Reservoir and the entire Chatfield watershed. Furthermore, Chatfield Reservoir's history of attainment of its chlorophyll a and phosphorus standards indicate that the public uses of the reservoir appear to be fully protected by the current standards, which supports CWA's request for additional time to develop a site-specific standard.

For these reasons, CWA requests the Commission to decline to implement the proposed table value TN standard at Chatfield Reservoir in 2023 and instead permit CWA to develop a site-specific standard once resources become available that is based on robust, Chatfield-specific data and analysis.

1. CWA has concerns with the division of Colorado's lakes and reservoirs into two categories: cold water and warm water.

At the recommendation of EPA, the Division divided the state's lakes and reservoirs into different classes and has proposed nutrient standards based on that separation. The Division considered classifying lakes in several different ways, including by ecoregion (Plain, Rockies, Xeric) and by lake type (natural lake, man-made reservoir), but ultimately decided to classify based on aquatic life use (warm, cold), which relates to water temperature but is not determined by water temperature, even though the technical report relied on by the Division indicated that "the best classification option (aquatic life use, ecoregion, or both) was not apparent from statistical analysis." N-STEPS Colorado Lakes Final Technical Report, WQCD Prehearing Statement, Exhibit O, pg. 24.

The Division did not consider temperature as a variable for the categorization of lakes and reservoirs, but according to a Technical Review of Information Related to Development of Revised Nutrient Criteria for Colorado Lakes, prepared by James H. McCutchan, Jr., of the University of Colorado's Environmental Engineering Program, (the "CU Report"), temperature "possibly would provide for better predictions of chlorophyll a than aquatic life use." CU Report, p. 25. In addition, the Division also excluded lake depth and water-residence time as possibly categorizations, even though both variables can limit algal growth in lakes. Accordingly, the CU Report concludes that aquatic life use may not constitute the most appropriate basis for partitioning relationships between nutrient concentrations and chlorophyll. The CU Report also notes that "[d]ecisions about classification are important for development of nutrient criteria because relationships between chlorophyll a and any single variable (TP, TN, temperature, depth, water-residence time, etc.) have poor predictive power." *Id.* at 26. Furthermore, the N-STEPS final report evaluated these covariates based on a data set that has since been substantially revised, and did not provide enough substantiation of the analysis to evaluate why these other covariates were rejected. Therefore, the analysis needs to be completed again and made available for review and comment before the Commission can move forward with the proposed TVS based on aquatic life use classification.

The Division categorized Chatfield Reservoir as a cold-water reservoir, despite the reservoir's unique position on the Front Range, along the foothills of the Rocky Mountains, with both a cold-water and warm-water source. The average temperature of Chatfield Reservoir varies significantly from the average temperature of other reservoirs classified as cold-water reservoirs by the Division. This variation in temperature would influence both the appropriate trophic state goal and the relationships among nutrients and chlorophyll a. It is unclear how Chatfield Reservoir would have been classified if the Division had used a different method of classification. The proposed table value TN standard for warm-water reservoirs is 610 ug/L, compared to 380 ug/L for cold-water reservoirs. Based on CWA's internal calculations, Chatfield Reservoir would have met the table value TN standard for warm-water reservoirs every year since at least 2018.

Chatfield Reservoir's location and water sources support the implementation of site-specific nutrient standards rather than table value standards for cold-water reservoirs. As discussed above, Chatfield Reservoir already has site-specific standards for chlorophyll a and phosphorus, and the Commission should allow CWA to develop a site-specific TN standard for the reservoir that takes into account the reservoir's unique status among Colorado lakes and reservoirs.

2. CWA has concerns with the dataset relied on by the Division in calculating the proposed revised nutrient standards.

CWA also has concerns with the Division's proposal to impose the table value TN standard on Chatfield Reservoir, given that the standard was calculated based on an irrelevant benchmark for chlorophyll a—the table value standard rather than Chatfield Reservoir's site-specific standard, which the Commission has previously determined is the appropriate trophic state for Chatfield and which the Division does not propose to change in this rulemaking. Because Chatfield Reservoir already has a site-specific chlorophyll a standard contained in Regulation 38 that has been determined to sufficiently address water quality, the Division should have used that standard in calculating any proposed TN standard for Chatfield Reservoir. In addition, the CU Report identifies concerns with the Division's minimum sample size used to calculate the revised proposed table value standards and with the Division's inclusion of anomalous values in its dataset.

CWA also has concerns with the Division's determination that a single sampling event was adequate for calculation of seasonal-mean values used for development of the proposed nutrient criteria. According to the CU Report, "[s]easonal-mean values cannot be estimated reliably from results for a single sampling event." CU Report, p. 22. Accordingly, "reliable estimates of seasonal-mean values would require results from multiple sampling events." *Id.* In calculating the nutrient standards adopted in 2012, the Division required a minimum of three samples per season to determine the seasonal averages used in the calculations. WQCD, PHS, p. 42. However, in calculating the revised nutrient standards proposed by the Division in this rulemaking, the Division included data from lakes with less than three samples available for each

growing season, in some cases permitting the use of a single sample to determine a lake's summer average. *Id.* at 43. The Division concedes that a "waterbody with less than three samples per growing season does not have the benefit of averaging conditions across the growing season," but alleges that "the data still convey information about the waterbody that could provide valuable information about the responsiveness of chlorophyll to nutrients for that waterbody." *Id.*

CWA has concerns with the inclusion of data on lakes with less than three samples available. If the Division needs more data to calculate accurate proposed nutrient standards, the solution is not to reduce the required sample size, but rather to gather more data, even if that requires additional time and a delay of the imposition of the proposed revised standards. CWA supports revising the state's nutrient standards pursuant to accurate and relevant data if necessary to address water quality issues. If the Division needs to gather more data to ensure that the proposed standards are correct and supported by sufficient data, then that should occur prior to the imposition of revised nutrient standards.

CWA also has concerns related to the Division's inclusion of anomalous values in the dataset. According to the CU Report, the Division's dataset contains numerous anomalous values for chlorophyll a, total nitrogen, and total phosphorus. CU Report, p. 13. Specifically, the total phosphorus data for Chatfield Reservoir includes anomalous values that likely "represent typographical errors or gross analytical errors." *Id.* According to the CU Report, the "retention of such errors in the data set would affect the relationships between nutrients and chlorophyll a," on which the criteria for phosphorus and nitrogen is based. *Id.*

CWA's concerns with the Division's dataset used to calculate the proposed revised table value nutrient standards further justifies the development of a site-specific TN standard for Chatfield Reservoir that is based on robust and accurate data, specific to the Chatfield watershed.

3. CWA has developed a base watershed model that will help aid in the development of a site-specific TN standard.

CWA has developed a base watershed model for the Chatfield watershed, and continues to engage in modeling work to help determine what proposed efforts included in the watershed plan CWA should engage in. As part of this modeling work, CWA has gathered significant data and samples from the reservoir that would assist in the development of a site-specific TN standard. As discussed above, since Chatfield Reservoir continues to attain its site-specific chlorophyll a standard, there does not appear to be a valid reason to rush to impose a TN standard, particularly if the standard is incorrect. Rather, it would be better to wait to impose a TN standard that is agreed upon by all of the parties to be both accurate and protective but not overly burdensome.

IV. Conclusion

In summary, CWA requests that the Commission decline to impose the Division's proposed table value TN standard on Chatfield Reservoir and instead allow for the development of a site-specific standard once CWA has completed work on its TMAL. As explained above, Chatfield Reservoir does not fit neatly into the Division's proposed categorization of the state's reservoirs as either warm water or cold water, already has site-specific standards for chlorophyll a and phosphorus, and remains in compliance with regard to its chlorophyll a standard—which indicates that the public uses of the reservoir are currently protected and will continue to be protected during the development of the site-specific TN standard. Given these reasons, and the risks involved with imposing an incorrect TN standard on the reservoir, the Commission should grant CWA's request to be given time to develop a site-specific TN standard tailored specifically to Chatfield Reservoir.

V. Witnesses

The CWA may call the following individuals as witnesses:

Alan Leak, CWA Technical Consultant, RESPEC
Barbara Biggs, Roxborough Water & Sanitation District
Wes Martin, Plum Creek Water Reclamation Authority
James H. McCutchan, Jr., Department of Civil, Environmental and Architectural
Engineering, University of Colorado
Michael Daugherty, Somach Simmons & Dunn P.C.

VI. Exhibits

Technical Review of Information Related to Development of Revised Nutrient Criteria for Colorado Lakes, James H. McCutchan, Jr., Department of Civil, Environmental and Architectural Engineering, University of Colorado, August 9, 2022.

Water Quality Control Commission
CWA's RPHS
December __, 2022
Page 8

Respectfully submitted this __ day of December, 2022.

SOMACH SIMMONS & DUNN, P.C.

Sarah Klahn, #28706
Michael Daugherty, #49074

Somach Simmons & Dunn, P.C.
1155 Canyon Blvd, Suite 110
Boulder, CO 80302
Telephone: (303) 449-2834
mdaugherty@somachlaw.com
sklahn@somachlaw.com

Attachment 12

Chatfield Watershed Authority

Financial Recap

September 30, 2022

Current Month:

1. In kind membership dues recorded from Denver Water in the amount of \$ 2,125.00, Plum Creek in the amount of \$ 1666.67, Roxborough Water and Sanitation in the amount of \$ 266.67 and Centennial in the amount of \$ 1953.83 for monitoring services.
2. TWS Financial billed \$ 750 for September 2022 accounting expenses.
3. Somach Simmons and Dunn billed \$ 5603.03 for September legal fees
4. RESPEC billed \$ 4715.00 for September fees.
5. Cash in bank as of 09/30/2022- \$ 390,368.60
6. Accounts payable as of 09/30/2022 - \$ 33,990.03

Chatfield Watershed Authority
Interim Financial Statements
Substantially all Disclosures Omitted
September 30, 2022

Chatfield Watershed Authority
Balance Sheet
As of September 30, 2022

	<u>Sep 30, 22</u>
ASSETS	
Current Assets	
Checking/Savings	
1000 · 1st Bank	390,368.60
Total Checking/Savings	<u>390,368.60</u>
Total Current Assets	<u>390,368.60</u>
TOTAL ASSETS	<u>390,368.60</u>
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
2000 · Accounts Payable	33,990.03
Total Accounts Payable	<u>33,990.03</u>
Total Current Liabilities	<u>33,990.03</u>
Total Liabilities	<u>33,990.03</u>
Equity	
32000 · Retained Earnings	302,018.77
Net Income	54,359.80
Total Equity	<u>356,378.57</u>
TOTAL LIABILITIES & EQUITY	<u>390,368.60</u>

Chatfield Watershed Authority
Profit & Loss
September 2022

	Sep 22	Jan - Sep 22
Income		
4000 · Operating Revenues - Membership		
Other Income	0.00	4,246.00
4001 · Jefferson County	0.00	28,986.00
4002 · Douglas County	0.00	75,510.00
4004 · Town of Castle Rock	0.00	75,510.00
4005 · Plum Creek Wastewater	0.00	2,400.00
4006 · Roxborough Park	0.00	2,400.00
4007 · Castle Pines Metro District	0.00	2,400.00
4008 · Perry Park W&S District	0.00	2,400.00
4009 · Denver Water Department	0.00	2,400.00
4010 · City of Littleton	0.00	2,400.00
4011 · Centennial W&S District	0.00	2,400.00
4012 · Town of Larkspur	0.00	2,400.00
4014 · Louviers Water & San. District	0.00	2,400.00
4016 · Sacred Heart Retreat House	0.00	2,000.00
4019 · Dominion W&S District	0.00	2,400.00
4038 · Denver Water- In Kind	2,125.00	19,125.00
4039 · Plum Creek - In Kind	1,666.67	15,000.03
4040 · Centennial - In Kind	1,953.83	17,584.47
4045 · Roxborough In Kind	266.67	2,400.03
Total 4000 · Operating Revenues - Membership	6,012.17	264,361.53
4103 · Interest Income	0.00	65.20
Total Income	6,012.17	264,426.73
Expense		
5000 · Expenditures - Operational		
5001 · Management Fees Technical	4,715.00	66,657.86
5002 · Management Fees- Authority	0.00	17,820.00
5003 · Website Hosting/Maint	0.00	2,848.00
5004 · NPS projects and Consultants	0.00	10,000.00
5005 · Legal - Admin	5,603.03	51,431.54
5007 · Professional Fees-Financial	750.00	6,750.00
Total 5000 · Expenditures - Operational	11,068.03	155,507.40
5100 · Expenditures - Contractual		
5111 · Monitoring- in Kind	6,012.17	54,109.53
5117 · Public Outreach Sponsorships	0.00	450.00
Total 5100 · Expenditures - Contractual	6,012.17	54,559.53
Total Expense	17,080.20	210,066.93
Net Income	-11,068.03	54,359.80

Chatfield Watershed Authority
Profit & Loss Budget vs. Actual
January through September 2022

	Jan - Sep 22	Budget	\$ Over Budget	% of Budget
Income				
4000 · Operating Revenues - Membership				
Other Income	4,246.00			
Voluntary Dues	0.00	0.00	0.00	0.0%
4001 · Jefferson County	28,986.00	28,986.00	0.00	100.0%
4002 · Douglas County	75,510.00	75,510.00	0.00	100.0%
4004 · Town of Castle Rock	75,510.00	75,510.00	0.00	100.0%
4005 · Plum Creek Wastewater	2,400.00	2,400.00	0.00	100.0%
4006 · Roxborough Park	2,400.00	2,400.00	0.00	100.0%
4007 · Castle Pines Metro District	2,400.00	2,400.00	0.00	100.0%
4008 · Perry Park W&S District	2,400.00	2,400.00	0.00	100.0%
4009 · Denver Water Department	2,400.00	2,400.00	0.00	100.0%
4010 · City of Littleton	2,400.00	2,400.00	0.00	100.0%
4011 · Centennial W&S District	2,400.00	2,400.00	0.00	100.0%
4012 · Town of Larkspur	2,400.00	2,400.00	0.00	100.0%
4014 · Louviers Water & San. District	2,400.00	2,400.00	0.00	100.0%
4016 · Sacred Heart Retreat House	2,000.00	2,400.00	-400.00	83.3%
4017 · Ponderosa Center	0.00	0.00	0.00	0.0%
4019 · Dominion W&S District	2,400.00	2,400.00	0.00	100.0%
4038 · Denver Water- In Kind	19,125.00	25,500.00	-6,375.00	75.0%
4039 · Plum Creek - In Kind	15,000.03	20,000.00	-4,999.97	75.0%
4040 · Centennial - In Kind	17,584.47	23,446.00	-5,861.53	75.0%
4045 · Roxborough In Kind	2,400.03	3,200.00	-799.97	75.0%
Total 4000 · Operating Revenues - Membership	264,361.53	278,552.00	-14,190.47	94.9%
4103 · Interest Income	65.20			
Total Income	264,426.73	278,552.00	-14,125.27	94.9%
Expense				
5000 · Expenditures - Operational				
5001 · Management Fees Technical	66,657.86	87,100.00	-20,442.14	76.5%
5002 · Management Fees- Authority	17,820.00	36,050.00	-18,230.00	49.4%
5003 · Website Hosting/Maint	2,848.00	6,906.00	-4,058.00	41.2%
5004 · NPS projects and Consultants	10,000.00	62,713.00	-52,713.00	15.9%
5005 · Legal - Admin	51,431.54	84,240.00	-32,808.46	61.1%
5006 · Misc. Admin.	0.00	515.00	-515.00	0.0%
5007 · Professional Fees-Financial	6,750.00	9,750.00	-3,000.00	69.2%
5009 · Legal Admin	0.00	0.00	0.00	0.0%
Total 5000 · Expenditures - Operational	155,507.40	287,274.00	-131,766.60	54.1%
5100 · Expenditures - Contractual				
5103 · Monitoring	0.00	5,150.00	-5,150.00	0.0%
5111 · Monitoring- in Kind	54,109.53	72,146.00	-18,036.47	75.0%
5115 · Public Outreach Consultants	0.00	0.00	0.00	0.0%
5117 · Public Outreach Sponsorships	450.00	515.00	-65.00	87.4%
Total 5100 · Expenditures - Contractual	54,559.53	77,811.00	-23,251.47	70.1%
Total Expense	210,066.93	365,085.00	-155,018.07	57.5%
Net Income	54,359.80	-86,533.00	140,892.80	-62.8%

Chatfield Watershed Authority
Transaction Detail By Account

September 2022

Type	Date	Num	Adj	Name	Memo	Class	Clr	Split	Debit	Credit	Balance
4000 - Operating Revenues - Membership											
4038 - Denver Water- In Kind											
General Journal	09/30/2022	Ted-Aj...	*					5111 - Monitorin...		2,125.00	2,125.00
Total 4038 - Denver Water- In Kind									0.00	2,125.00	2,125.00
4039 - Plum Creek - In Kind											
General Journal	09/08/2022	Ted-Aj...	*					5111 - Monitorin...		1,666.67	1,666.67
Total 4039 - Plum Creek - In Kind									0.00	1,666.67	1,666.67
4040 - Centennial - In Kind											
General Journal	09/08/2022	Ted-Aj...	*							1,953.83	1,953.83
Total 4040 - Centennial - In Kind									0.00	1,953.83	1,953.83
4045 - Roxborough In Kind											
General Journal	09/16/2022	Ted-Aj...	*					5111 - Monitorin...		266.67	266.67
Total 4045 - Roxborough In Kind									0.00	266.67	266.67
Total 4000 - Operating Revenues - Membership									0.00	6,012.17	6,012.17
5000 - Expenditures - Operational											
5001 - Management Fees Technical											
Bill	09/30/2022	INV-09...		RESPEC	September 202...			2000 - Accounts ...	4,715.00		-4,715.00
Total 5001 - Management Fees Technical									4,715.00	0.00	-4,715.00
5005 - Legal - Admin											
Bill	09/30/2022	10/13 I...		Sornach Simmons & D...	Legal			2000 - Accounts ...	5,603.03		-5,603.03
Total 5005 - Legal - Admin									5,603.03	0.00	-5,603.03
5007 - Professional Fees-Financial											
Bill	09/30/2022	22033		TWS Financial Inc.	August 2022			2000 - Accounts ...	750.00		-750.00
Total 5007 - Professional Fees-Financial									750.00	0.00	-750.00
Total 5000 - Expenditures - Operational									11,068.03	0.00	-11,068.03
5100 - Expenditures - Contractual											
5111 - Monitoring- in Kind											
General Journal	09/08/2022	Ted-Aj...	*					4039 - Plum Cre...	1,666.67		-1,666.67
General Journal	09/08/2022	Ted-Aj...	*						1,953.83		-3,620.50
General Journal	09/16/2022	Ted-Aj...	*					4045 - Roxborou...	266.67		-3,887.17
General Journal	09/30/2022	Ted-Aj...	*					4038 - Denver ...	2,125.00		-6,012.17
Total 5111 - Monitoring- in Kind									6,012.17	0.00	-6,012.17
Total 5100 - Expenditures - Contractual									6,012.17	0.00	-6,012.17
TOTAL									17,080.20	6,012.17	-11,068.03