

Attachment 1



Authority Board Chair: Laura Cavey
Authority Board Vice-Chair: Lesley Dahlkemper
TAC Chair: Ryan Adrian
TAC Vice-Chair: Matt Collitt

CHATFIELD WATERSHED AUTHORITY TAC MINUTES

**Chatfield Watershed Authority TAC Meeting
Tuesday, April 4, 2023
2:00 p. m. – 4:00 p. m.**

Virtual

Member Attendees:

- Patrick O’Connell (Jefferson County)
- Barbara Biggs (Roxborough WSD)
- Ryan Adrian (Douglas County) Chair
- Matthew Colitt (Louviers)
- David Van Dellen (Town of Castle Rock)
- Kirby Clark (Plum Creek WRA)
- Alison Witheridge (Denver Water)
- Abigail Wright (Denver Water)
- Brent Soderlin (City of Littleton, Board)

**Alternate Members, Other Associate Agencies
& Attendees:**

- Alan Leak (RESPEC)
- Michael Daugherty (Somach Simmons and
Dunn)
- Kris Wahlers (DNR/CPW)
- Bill Szafranski (Lynker)
- Steve Balcerovich (CWA Lobbyist)
- Kevin Bierlein (Hydros Consulting)
- Diane Kielty (CWA)
- Kurt Walker (Pine Canyon)
- Cathy Begej (JCD)
- Charly Hoehn (CRMC)
- Gene Seagle (US Army Corp.)

2:00 pm

Call to Order

The regular TAC meeting was called to order at 2:01 pm by TAC Chair Ryan Adrian. There were no disclosures.

ACTION/APPROVAL ITEMS (2:05 P.M. – 2:45 P.M.)

A. APPROVAL OF AGENDA

A motion was made by David Van Dellen to approve the Chatfield TAC April 4, 2023, Agenda and seconded by Patrick O’Connell. Motion carried unanimously.

B. APPROVAL OF MEETING MINUTES

Approval of Chatfield TAC February 7, 2023, Meeting Minutes



Authority Board Chair: Laura Cavey
 Authority Board Vice-Chair: Lesley Dahlkemper
 TAC Chair: Ryan Adrian
 TAC Vice-Chair: Matt Collitt

CHATFIELD WATERSHED AUTHORITY TAC MINUTES

A motion was made by David Van Dellen to approve the Chatfield TAC February 7, 2023, meeting minutes and seconded by Kirby Clark. Motion carried unanimously.

C. APPROVAL/RATIFICATION OF INVOICES

The table summarizes the invoices included in the meeting packet.
 Total amount of invoices approved by CWA Manager \$24,008.81.

Invoices < \$5,000 and within Budget and Scope (Manager’s Approval)	
SSD General Chatfield Invoice 3016659_January 2023	\$2,302.45
SSD Lakes Nutrients Chatfield Invoice 3016660_January 2023	\$1,586.00
RESPEC_W0035.22002-CWA-INV-31JAN23	\$4,552.86
Spring Up the Creek_Castle Rock Water	\$250.00
Invoice #22-04: Balcerovich February 2023 Professional Governmental Affairs Services	\$1,500.00
Invoice #22-04: Attwood February 2023 Professional Governmental Affairs Services	\$1,500.00
Invoice #22-05: Balcerovich March 2023 Professional Governmental Affairs Services	\$1,500.00
Invoice #22-05: Attwood March 2023 Professional Governmental Affairs Services	\$1,500.00
TWS February Inv_23057_from_TWS_FINANCIAL_INC._29996	\$750.00
TWS January Inv_23056_from_TWS_FINANCIAL_INC._29996	\$750.00
SSD General Chatfield Invoice 3016957_February 2023	\$1,274.00
SSD WQCD-WQCC Invoice 3016958_February 2023	\$416.00
SSD Lakes Nutrients Chatfield Invoice 3016959_February 2023	\$2,440.00
RESPEC_W0035.22002-CWA-INV-28FEB23	\$3,687.50
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	

A motion was made by Barbara Biggs to approve the invoices in the total amount of \$24,008.81 and seconded by David Van Dellen. Motion carried unanimously.

D. ACCEPT WATERSHED MODEL FINAL MEMO (BILL SZAFRANSKI, LYNKER)

A presentation was provided followed by feedback and questions.

A motion was made by Patrick O’Connell to accept Lynker’s Chatfield Watershed Model, Point Source Model Results Memorandum and seconded by David Van Dellen. Motion Carried Unanimously.



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CHATFIELD WATERSHED AUTHORITY TAC MINUTES

E. APPROVE RESPEC CONTRACT RENEWAL (DIANE KIELTY, ALAN LEAK)

A motion was made by Barbara Biggs to recommend approval of RESPEC's contract renewal to the CWA Board and seconded by Alison Witheridge. Motion Carried Unanimously.

F. RATIFY TAC LEADERSHIP APPROVAL OF CHATFIELD LEGISLATION PROPOSAL (RYAN ADRIAN & STEVE BALCEROVICH)

There was one week to get approval of late Senate Bill 23-267 proposed Chatfield State Park Fee legislation. Ideas were discussed on gaining support for the bill. The draft will be sent to Kelly Romano-Heany with DNR. Committee of Senate Agriculture will review the legislation. Lobbyists are setting up representatives for testimony. Denver Water has informed their legal staff. There was agreement that Barbara Biggs and Mark Marlow would field questions at the Water Congress and the legislature. CWA is supporting CPW's Stream Management Plan. Part of these funds would go to CPW to benefit this effort. An inflation factor was not included in the fee in consideration of low-income park users.

A motion was made by Barbara Biggs to ratify SB 23-267 and seconded by David Van Dellen. Motion Carried Unanimously.

Action: RESPEC will draft a fact sheet to distribute.

G. APPROVE CHATFIELD LEGISLATION SUBCOMMITTEE

There may be additions and subtractions to the bill that may need immediate repose outside of regular monthly TAC meetings. Volunteers for the committee are Ryan Adrian, Barbara Biggs, Matthew Collitt, Alison Witheridge, Patrick O'Connell, and David Van Dellen.

A motion was made by David Van Dellen to approve the Legislation Subcommittee and seconded by Barbara Biggs. Motion carried unanimously.

H. RECOMMEND TO THE BOARD THAT CWA SUBMIT TO THE GOVERNOR A REQUEST FOR DELAY IN LAKES NUTRIENTS RULEMAKING HEARING (DAVID VAN DELLEN)

Chatfield may be removed from the Lakes Nutrients standards. There would be significant costs to trying to meet these standards. At this point in time a request may not be timely. No action was taken.

DISCUSSION ITEMS (2:45 P.M. – 3:15 P.M.)

A. FIRST DRAFT WQCC ANNUAL REPORT

The report is due May 15th. The draft report was reviewed and discussed. Additional information for various report sections was requested.



Authority Board Chair: Laura Cavey
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TAC Chair: Ryan Adrian
TAC Vice-Chair: Matt Collitt

CHATFIELD WATERSHED AUTHORITY TAC MINUTES

B. DRAFT GRANT FUNDING ASSESSMENT

<https://cube-mauve-d957.squarespace.com/s/Draft-2023-Chatfield-Funding-Assessment.xlsx>

The funding list was provided. It is believed CWA may be able to receive and administer projects on the list. Currently, CWA does not have the matching money to apply for grant funds.

C. WEST PLUM CREEK STREAM MANAGEMENT PLAN

<HTTPS://SITES.GOOGLE.COM/RIVERNETWORK.ORG/WEST-PLUM-CREEK-SMP/HOME>

The above link takes you to the website for updates on the Stream Management Plan.

UPDATES (3:15 P.M. – 3:55 P.M.)

A. TECHNICAL (ALAN LEAK)

1. CSM Field Session 2023 Update – No update at this time. A meeting is being scheduled to finalize a sampling plan. Plan options are under review.
2. Chatfield Reservoir Mitigation Company Update – They are monitoring beaver colonies which have increased. There has been no intervention, yet.
3. Other Member

B. LEGAL (MICHAEL DAUGHERTY)

1. Legal Update
 - a. Lakes Nutrients Rulemaking Hearing Update – The recent update modified the proposal to no longer add a nitrogen standard from Chatfield. CWA's rebuttal and surrebuttal are linked below. A summary was provided. Michael Daugherty and Alan Leak will be attending the hearing.
 - i. Chatfield Watershed Authority Rebuttal Statement (Regs 85, 31-38)
[Chatfield Watershed Authority Rebuttal Statement \(Regs 85, 31-38\) \(00146739-2xD2C75\)](#)
 - ii. Chatfield Watershed Authority Surrebuttal Statement (Regs 85, 31-38)
[20230327 CWA's Surrebuttal Statement \(00149438-2xD2C75\)](#)
 - b. Rulemaking Hearing Regulation #93

B. FINANCIAL (DIANE KIELTY)

1. February Financial Summary was provided.
2. Dues Status update was provided.



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CHATFIELD WATERSHED AUTHORITY TAC MINUTES

D. 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, May 2, 2023: 2:00 – 4:00 p.m., Google Meet Online

B. Next Scheduled Board Meeting:

a) Monday, April 17, 2023: **New Time 4:00 pm – 6:00 pm**, Hybrid Live & Online

Hybrid | Live & Virtual

LIVE ADDRESS

100 Jefferson County Parkway
Golden, CO 80419

Directions and parking details

<https://www.jeffco.us/2051/Driving-Directions>

Parking – once through the roundabout, head toward the building, guests can park in either of the top-level parking areas to the left or right

Enter the building and go to your left (unsecured side)

Once at elevators, head to your right and look for signs for Chatfield Watershed Authority/Faye Griffin Room (just pass Hearing Room 1)

VIRTUAL

[Join with Google Meet](#)

meet.google.com/jrs-kqsc-odb

Meeting ID

meet.google.com/jrs-kqsc-odb

Phone Numbers

(US)+1 314-649-4059

PIN: 878 604 219#

[More phone numbers](#)

3:38 p.m.

Adjournment



Authority Board Chair: Laura Cavey
Authority Board Vice-Chair: Lesley Dahlkemper
TAC Chair: Ryan Adrian
TAC Vice-Chair: Matt Collitt

CHATFIELD WATERSHED AUTHORITY TAC MINUTES

ATTACHMENTS

- Attachment 1 – TAC Chatfield WA_February 7 2023_Minutes_v1*
- Attachment 2-SSD_CHATFIELD INVOICE LISTING 2023 SERVICES TOTALS 02132023*
- Attachment 3- RESPEC_W0035.22002-CWA-INV-28FEB23*
- Attachment 4- Spring Up Creek Invoice 2023_CWA Invoice*
- Attachment 5- Lobbyist_Chatfield February 2023 Invoice*
- Attachment 6- Lobbyist_Chatfield March 2023 Invoice*
- Attachment 7-SSD_MultipleInvoices_February 2023*
- Attachment 8-TWS February Inv_23057_from_TWS_FINANCIAL_INC._29996*
- Attachment 9- TWA January Inv_23056_from_TWS_FINANCIAL_INC._29996*
- Attachment 10- RESPEC_W0035.22002-CWA-INV-31JAN23*
- Attachment 11- Action Memorandum - Lynker Watershed Model*
- Attachment 12- Action Memorandum_Technical Services Consultant Contract Renewal Recommendation 2023_2024*
- Attachment 13- Draft letter 20230315 - Castle Rock*
- Attachment 14-Draft 2022 CWA ANNUAL REPORT*
- Attachment 15-Draft 2024-2028 CWA Prioritized Projects Budget*
- Attachment 15a-Draft 2023 Chatfield Funding Assessment*
- Attachment 16-03292023 Legal Report for April 4 TAC Meeting FINAL (00149575xD2C75)*
- Attachment 17-Chatfield February 2023 Financial Summary_20230329142838*

Attachment 2

**Invoice to Chatfield Watershed Authority
from
Steve Balcerovich & Attwood Public Affairs**

**Invoice #22-05: March 2023 Professional Governmental Affairs
Services**

TOTAL DUE: \$3,000

**Note: Please send \$1500 to Steve Balcerovich:
2441 N. Broadway
Unit 218
Denver, CO 80205**

**Please send \$1500 to Attwood Public Affairs:
9224 West Berry Place
Littleton, CO 80123**

Attachment 3

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

COVER SHEET

Chatfield Watershed Authority

P.O. Box 460736

Glendale, CO 80246-0736

Attention: Diane Kielty, Program Manager

April 12, 2023

Client: 002051

Page: 1

For Professional Services Rendered Through March 31, 2023

ACCOUNT SUMMARY

Matter	Description	Invoice #	Services	Tax	Disbursements	Interest	Total
000001	General	3017201	\$676.00	\$0.00	\$0.00	\$0.00	\$676.00
000002	WQCD-WQCC	3017202	\$676.00	\$0.00	\$0.00	\$0.00	\$676.00
000006	2022 Lakes Nutrients Rulemal	3017203	\$7,459.50	\$0.00	\$9.46	\$0.00	\$7,468.96
Total Current Charges							\$8,820.96
Previous Balance							\$4,130.00
<i>Less Payments</i>							(\$4,130.00)
PAY THIS AMOUNT							\$8,820.96

Remittance Advice

Check Payable To:

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

Somach Simmons & Dunn

Attorneys at Law

500 Capitol Mall, Suite 1000

Sacramento, California 95814

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

somalchlaw.com

Telephone: (916) 446-7979

Fax: (916) 446-8199

REMITTANCE COPY

Chatfield Watershed Authority

P.O. Box 460736

Glendale, CO 80246-0736

Attention: Diane Kielty, Program Manager

April 12, 2023

Client: 002051

Page: 1

For Professional Services Rendered Through March 31, 2023

ACCOUNT SUMMARY

Matter	Description	Invoice #	Services	Tax	Disbursements	Interest	Total
000001	General	3017201	\$676.00	\$0.00	\$0.00	\$0.00	\$676.00
000002	WQCD-WQCC	3017202	\$676.00	\$0.00	\$0.00	\$0.00	\$676.00
000006	2022 Lakes Nutrients Rulemal	3017203	\$7,459.50	\$0.00	\$9.46	\$0.00	\$7,468.96
Total Current Charges							\$8,820.96
Previous Balance							\$4,130.00
<i>Less Payments</i>							(\$4,130.00)
PAY THIS AMOUNT							\$8,820.96

Remittance Advice

Check Payable To:

Somach Simmons & Dunn

Attn.: Accounts Receivable

500 Capitol Mall, Suite 1000

Sacramento, California 95814

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Telephone: (916) 446-7979

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Chatfield Watershed Authority

P.O. Box 460736

Glendale, CO 80246-0736

Attention: Diane Kielty, Program Manager

April 12, 2023

Client: 002051

Matter: 000001

Invoice #: 3017201

Resp. Atty: SAK

Page: 1

RE: General

For Professional Services Rendered Through March 31, 2023

Total Services	\$676.00
Total Current Charges	\$676.00
Previous Balance	\$1,274.00
<i>Less Payments</i>	<i>(\$1,274.00)</i>
PAY THIS AMOUNT	\$676.00

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

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

April 12, 2023

Client: 002051

Matter: 000002

Invoice #: 3017202

Resp. Atty: SAK

Page: 1

RE: WQCD-WQCC

For Professional Services Rendered Through March 31, 2023

Total Services	\$676.00
Total Current Charges	\$676.00
Previous Balance	\$416.00
<i>Less Payments</i>	<i>(\$416.00)</i>
PAY THIS AMOUNT	\$676.00

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

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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

April 12, 2023

Client: 002051

Matter: 000006

Invoice #: 3017203

Resp. Atty: SAK

Page: 1

RE: 2022 Lakes Nutrients Rulemaking Hearing

For Professional Services Rendered Through March 31, 2023

Total Services	\$7,459.50
Total Disbursements	\$9.46
Total Current Charges	\$7,468.96
Previous Balance	\$2,440.00
<i>Less Payments</i>	<i>(\$2,440.00)</i>
PAY THIS AMOUNT	\$7,468.96

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.

Invoice Listing

Sort Order: Client-Matter

Invoices Sorted by: Invoice Number

Selection: Chatfield Watershed Authority - All Matters

Posted Invoices

Invoices Dated: 2/1/2023 - 04/12/2023

Matter Name	Matter Code	Invoice #	Invoice Date	Fees	Expenses	Costs	Interest	Total	2023 Totals
General	1	3017201	4/12/2023	676.00	-	-	-	676.00	4,252.45
WQCD-WQCC	2	3017202	4/12/2023	676.00	-	-	-	676.00	1,092.00
Pine Canyon Application	3			*	*	*	*	*	-
Reg. 73 Triennial Review	4		*	*	*	*	*	*	-
Policy Revision Project	5		*	*	*	*	*	*	-
2022 Lakes Nutrients Rulemaking Hearing	6	3017203	4/12/2023	7,459.50	-	9.46	-	7,468.96	11,494.96
Client Year Totals				\$ 8,811.50	\$ -	\$ 9.46	\$ -	\$ 8,820.96	\$ 16,839.41

* No Invoice This Month

2023 Budget	\$ 58,640.00	100%
Amount Billed	\$ 16,839.41	28.7%
Budget Remaining	\$ 41,800.59	71.3%

Invoice Listing

Sort Order: Department
 Selection: Filters Set (1)
 Invoices Dated: 2/1/2023 - 4/12/2023

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	3016659	02/13/2023	\$2,288.00	\$0.00	\$14.45	\$0.00	\$0.00	\$2,302.45
	000001	3016957	03/13/2023	\$1,274.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,274.00
	000001	3017201	04/12/2023	\$676.00	\$0.00	\$0.00	\$0.00	\$0.00	\$676.00
				\$4,238.00	\$0.00	\$14.45	\$0.00	\$0.00	\$4,252.45
	000002	3016958	03/13/2023	\$416.00	\$0.00	\$0.00	\$0.00	\$0.00	\$416.00
	000002	3017202	04/12/2023	\$676.00	\$0.00	\$0.00	\$0.00	\$0.00	\$676.00
				\$1,092.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,092.00
	000006	3016660	02/13/2023	\$1,586.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,586.00
	000006	3016959	03/13/2023	\$2,440.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,440.00
	000006	3017203	04/12/2023	\$7,459.50	\$0.00	\$9.46	\$0.00	\$0.00	\$7,468.96
				\$11,485.50	\$0.00	\$9.46	\$0.00	\$0.00	\$11,494.96
				\$16,815.50	\$0.00	\$23.91	\$0.00	\$0.00	\$16,839.41
	Department Total:			\$16,815.50	\$0.00	\$23.91	\$0.00	\$0.00	\$16,839.41
	Report Total:			\$16,815.50	\$0.00	\$23.91	\$0.00	\$0.00	\$16,839.41

Attachment 3



Bill To:

Chatfield Watershed Authority
 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	03/31/2023
Purchase Order No.	Payment Terms :	NET 30
RESPEC Project Number : W0035.22002	Invoice No.	INV-0323-1458
	Invoice Period:	03/01/2023 - 03/31/2023

June 2022 - May 2023 Contract

Description	Budget	Previous Billings	Current Billings	Billed to Date	Amount Remaining	Percent Complete	Amount Due This Invoice
Board & Committee Support	\$21,950.00	\$14,126.25	\$900.00	\$15,026.25	\$6,923.75	68.46%	\$900.00
Water Quality Monitoring Data	\$9,410.00	\$13,050.00	\$3,395.00	\$16,445.00	(\$7,035.00)	174.76%	\$3,395.00
Regulatory Technical Support	\$28,975.00	\$22,402.50	\$5,210.00	\$27,612.50	\$1,362.50	95.30%	\$5,210.00
Advancing Strategic Initiatives	\$27,760.00	\$3,800.00	\$675.00	\$4,475.00	\$23,285.00	16.12%	\$675.00
Direct Expenses	\$360.00	\$36.61	\$0.00	\$36.61	\$323.39	10.17%	\$0.00
Grand Total	\$88,455.00	\$53,415.36	\$10,180.00	\$63,595.36	\$24,859.64	72%	\$10,180.00



Invoice Supporting Information

Cost Category	PLC Desc	RESPEC Project No.	Name	Week Ending Date	Hours	Billing Rate	Amount To Bill	Reference #	Description
Labor	Staff Scientist	W0035.22002.003	Acosta, Natalie A	03/31/23	8.00	\$145.00	\$1,160.00		Labor Hours
					8.00		\$1,160.00		
	Wastewater Engineer	W0035.22002.002	Gilley, Alicia D	03/25/23	7.50	\$205.00	\$1,537.50		Labor Hours
	Wastewater Engineer	W0035.22002.002		03/31/23	3.50	\$205.00	\$717.50		Labor Hours
					11.00		\$2,255.00		
	Hydrologist	W0035.22002.002	Hassel, Willow R	03/25/23	9.50	\$120.00	\$1,140.00		Labor Hours
					9.50		\$1,140.00		
	Principal	W0035.22002.003	Leak, Alan J	03/04/23	1.00	\$225.00	\$225.00		Labor Hours
	Principal	W0035.22002.003		03/11/23	4.50	\$225.00	\$1,012.50		Labor Hours
	Principal	W0035.22002.003		03/18/23	8.00	\$225.00	\$1,800.00		Labor Hours
	Principal	W0035.22002.004		03/18/23	1.50	\$225.00	\$337.50		Labor Hours
	Principal	W0035.22002.001		03/25/23	0.50	\$225.00	\$112.50		Labor Hours
	Principal	W0035.22002.003		03/25/23	2.00	\$225.00	\$450.00		Labor Hours
	Principal	W0035.22002.001		03/31/23	3.50	\$225.00	\$787.50		Labor Hours
	Principal	W0035.22002.003		03/31/23	2.50	\$225.00	\$562.50		Labor Hours
Principal	W0035.22002.004	03/31/23		1.50	\$225.00	\$337.50		Labor Hours	
				25.00		\$5,625.00			
Labor					53.50		\$10,180.00		
Total					53.50		\$10,180.00		



Task Summary

RESPEC Project ID & Description	Current Hours	Current Dollars	Hours Billed to Date	Dollars Billed to Date
W0035.22002.000 - Direct Expenses				\$36.61
W0035.22002.001 - Board & Committee Support	4.00	\$900.00	72.00	\$15,026.25
W0035.22002.002 - Water Quality Monitoring Data	20.50	\$3,395.00	127.00	\$16,445.00
W0035.22002.003 - Regulatory Technical Support	26.00	\$5,210.00	137.50	\$27,202.50
W0035.22002.004 - Advancing Strategic Initiatives	3.00	\$675.00	21.00	\$4,475.00
Overall - Total	53.50	\$10,180.00	357.50	\$63,185.36

Attachment 5

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

Project Name

Grantee: Colorado Watershed Assembly CWA Chatfield 2023 001

Address: P.O. Box 460736 1st Q 2023
Denver, CO 80246

Phone No.: (303)345-1675

Contract or Purchase
Order No.:

Contract Amount: \$43,585

Date of Invoice: April 24, 2023

Task	Description	Total	Previously	Current	Remaining	Percent
1	Chatfield Management	\$39,655	\$0	\$7,595	\$32,060	19.2%
2	Chatfield Website Management	\$3,930	\$0	\$660	\$3,270	16.8%
	TOTALS	\$43,585	\$0	\$8,255	\$35,330	

Submitted by: Casey Davenhill

Title: Executive Director, Colorado Watershed Assembly

Signature: 

April 24, 2023

Attachment 6



1155 CANYON BOULEVARD, SUITE 110, BOULDER, CO 80302
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MEMORANDUM

TO: Chatfield Watershed Authority (“CWA”) Technical Advisory Committee (“TAC”)
FROM: Michael Daugherty, Somach Simmons & Dunn (“SSD”)
SUBJECT: Legal Report – May 2, 2023, TAC meeting
DATE: April 26, 2023

I. Lakes Reservoirs Nutrients Criteria (Regs. 85, 31, and 32-38) Rulemaking Update

The Colorado Water Quality Control Commission (the “Commission”) held the hearing in this rulemaking proceeding from April 10-13, 2023. After significant negotiation prior to the hearing, the Water Quality Control Division (the “Division”) amended its proposal to not seek a total nitrogen (“TN”) standard for Chatfield Reservoir in this proceeding. This reflects CWA’s requests in its prehearing statement, rebuttal statement, and surrebuttal statement, and CWA indicated support at the hearing for the Division’s consolidated proposal as it relates to Chatfield Reservoir. The Division’s proposal also did not propose to modify the site-specific chlorophyll a and phosphorus standards already promulgated for Chatfield Reservoir.

CWA filed a rebuttal statement in this rulemaking proceeding on February 15, 2023, and a surrebuttal statement March 30, 2023. The Surrebuttal responded to the Division’s revised proposal provided to parties on March 10, 2023, and requested the Commission refrain from adding a total nitrogen standard to Chatfield Reservoir in this rulemaking proceeding. As recently as March 16, 2023, the Division was still seeking to impose the table value TN standard for cold water reservoirs on Chatfield Reservoir. However, the Division revised its proposal to no longer seek to add a TN standard to Chatfield Reservoir until 2028.

The Division changed its proposal multiple times over the course of this proceeding. First, the Division proposed to add a TN standard of 330 ug/L to Chatfield Reservoir beginning in 2023. Next, the Division proposed to add a TN standard of 380 ug/L to Chatfield Reservoir beginning in 2023. Next, the Division proposed to add a TN standard of 380 ug/L to Chatfield Reservoir with a delayed effective date of December 31, 2027. Most recently, in its consolidated proposal provided to parties on April 3, 2023—one week before the rulemaking hearing—the Division proposed not to add a TN standard to Chatfield

Reservoir until 2028 at the earliest. CWA supported this revised proposal, which was the result of significant negotiation and discussion with the Division.

At the conclusion of the rulemaking hearing, the Commission deliberated and voted to adopt the Division’s proposal for Chatfield Reservoir. The Commission is scheduled to issue its final decision in this rulemaking proceeding on May 8, 2023, and the adopted proposal will take effect on September 30, 2023.

Because the Commission voted not to add a TN standard to Chatfield Reservoir at this time and did not propose to modify the reservoir’s existing site-specific standards for chlorophyll a or phosphorus, SSD does not recommend appealing or seeking reconsideration of the Commission’s final decision.

II. Site Specific Nitrogen Standard

At the April 17, 2023, CWA Board of Directors meeting, the board voted to begin exploring the development of a site-specific TN standard to avoid application of the table value TN standard for cold water reservoirs to Chatfield Reservoir beginning in 2028. The draft final regulations that the Commission provided to parties on April 18, 2023, include information related to the development of site-specific nutrient standards. The pertinent provisions of the draft regulations are included below:

(4) Site-specific Standards, Assessment Locations, and Assessment Criteria

(a) Upper South Platte Segment 6b, Chatfield Reservoir: Chlorophyll a Assessment Thresholds

chlorophyll a= 11.2 µg/L, summer average, 1 in 5 year allowable exceedance frequency
phosphorus(Tot) = 0.035 mg/L, summer average, 1 in 5 year allowable exceedance frequency.

5 CCR 1002-38.6(4), above, contains the existing site-specific chlorophyll a and phosphorus standards for Chatfield Reservoir, which will remain the same following the promulgation of the revised regulations, and this is where a site-specific nitrogen standard would fit in the regulations should the Commission adopt such a standard.

3. Site-specific Standards for Nutrients

In this rulemaking hearing, multiple parties (e.g., Parker Water and Sanitation District, City of Fort Collins, City of Westminster, Cherry Creek Basin Water Quality Authority, Chatfield Watershed Authority) objected to the adoption of table value standards for chlorophyll *a*, total nitrogen, and/or total phosphorus on certain waterbodies, and expressed the need for the commission's consideration of site-specific standards in future rulemaking hearings. The commission continues to support a phased implementation approach to adoption of nutrient criteria and declined to consider any site-specific standards during this rulemaking. However, evidence on the record attests that consideration of site-specific standards on some segments may be warranted in future commission reviews of water quality standards and classifications when and where data and information to support such a proposal are available.

Proposals for site-specific standards or changes to use classifications will need to be scientifically-defensible and protective of uses and meet all requirements of Regulation No. 31 (31.7(1)(b)(ii) and (iii)). In addition, the supporting information for any potential future site-specific standards proposals will need to describe why a departure from specific elements of the table value standards are appropriate; this includes the commission's dual control (total nitrogen and total phosphorus) approach to nutrient control, and its adoption of independently applicable criteria for chlorophyll *a*, total nitrogen, and total phosphorus (31.50).

CODE OF COLORADO REGULATIONS
Water Quality Control Commission

5 CCR 1002-38

division PHS Exhibit R). The commission appreciates the efforts of PWSD to obtain, and make available for this hearing, information that improves the understanding of existing conditions within and treatment of raw water from Rueter-Hess Reservoir.

a. Control Regulations

The commission may also consider site-specific nutrients standards for the following lake and reservoir segments that have existing nutrient control regulations in future rulemaking hearings if information to support appropriate and protective revisions is developed:

Upper South Platte River: 6b (COSPUS06b; Chatfield Reservoir)

Cherry Creek: 2 (COSPCH02; Cherry Creek Reservoir)

The commission did not adopt total nitrogen or total phosphorus table value standards for either waterbody in this rulemaking hearing.

5 CCR 1002-38.106(B)(3), above, describes the process for proposing a site-specific nutrient standard. As indicated above, CWA indicated a desire for a site-specific TN standard throughout the rulemaking proceeding. Given that the Commission has indicated strong support for dual control of both nitrogen and phosphorus and expressed an intent to adopt the table value nutrient standards beginning in 2028, SSD recommends CWA develop its own site-specific TN standard and propose it to the Commission, as opposed to allowing the

Division to develop Chatfield Reservoir's site-specific TN standard or pushing the Commission to forgo a nitrogen standard for Chatfield Reservoir. The fact that CWA ultimately supported the Division's proposal should bode well for future site-specific proposals. The second paragraph in 5 CCR 1002-38.106(B)(3), above, indicates that proposed site-specific standards will need to be scientifically-defensible and protective of uses, and CWA will need to describe why a departure from the table value standard is appropriate.

5 CCR 1002-38.106(B)(3)(a), above, expressly permits the Commission to consider site-specific standards for Chatfield Reservoir, given its existing control regulation. Accordingly, both the Division and the Commission expect CWA to propose a site-specific nitrogen standard, and they will be more open to adopting site-specific standards in the next rulemaking proceeding, unlike in the recent proceeding.

As discussed at prior TAC meetings, the Division did include in its rebuttal statement a site-specific TN standard for Chatfield Reservoir of 530 ug/L, calculated using the Division's recommended method for developing site-specific nutrient standards. However, the Division explicitly recommended against adoption of that standard, qualifying it with concerns regarding the data and changes to the reservoir's operation. While this standard may serve as a good starting point, CWA should first determine what data to use in its calculations and whether the reservoir's current and expected operations can allow for collecting data that the Division and Commission will support in a site-specific calculation.

SSD recommends the TAC begin the process of developing a site-specific TN standard proposal for Chatfield Reservoir.