



Notice of Regular Meeting
Cherry Creek Basin Water Quality Authority
Board of Directors Meeting
Thursday, August 17, 2023 at 9:00 a.m.

The meeting will be conducted in-person and virtually as set forth below.

In-Person: SEMSWA
7437 S. Fairplay St.
Centennial, CO 80112

Virtual: Zoom
<https://us06web.zoom.us/j/87425775963> Passcode: CCBWQA
Phone (646)931-3860 Mtg ID 874 2577 5963# Passcode: #815374

CCBWQA Board of Directors Meeting Documents can be found online at the link below.

https://drive.google.com/drive/folders/1KqGcDC9eS_gMEdSiXPPPBGefAHTib7pf?usp=share_link

1. Call to Order and Pledge of Allegiance
2. Consent Agenda (5 minutes)
(Items on the consent agenda can be approved with a single motion or, items can be requested to be moved from the consent agenda and moved to the "discussion" or "direction and/or action" section.)
 - a. Approval of the July 20, 2023 Minutes (enclosed)
 - b. Acceptance of the Schedule of Cash Position Dated August, 2023 (enclosed)
 - c. Acceptance of the Paid Claims for July, 2023 (enclosed)
 - d. Approval of Unpaid Claims as of August, 2023 (enclosed)
 - e. Approval of Restated and Amended Bylaws (enclosed)
3. Direction and/or Action - None
4. Discussion (5 minutes)
 - a. Site Specific Standards Update (Stewart/Ruzzo)
 - b. Mid-Year Financial Report, Draft (Ruzzo, enclosed)
5. Presentations (15 minutes)
 - a. Water Quality Standards 101 (DiToro)
6. Board Member Items
7. Updates (25 minutes)
 - a. Technical Manager (Ruzzo for Clary)
 - i. Status of Staff Review of Groundwater Phosphorus (Ruzzo/ Stewart)
 - b. Cherry Creek Stewardship Partners Update and [Events](#) (Davenhill)
 - i. Cherry Creek Watershed Conference - August 24, 2023 at the Parker Arts, Culture, and Events Center - [Register Here](#)
 - c. TAC (Erickson)
 - d. Contract Staff
 - i. PAPM
 - a. CIP Status Report (Borchardt, enclosed)
 - b. Maintenance and Operations Status Report (Goncalves, enclosed)
 - i. [June Flood Report](#)
 - ii. [Water Quality Update](#) (Stewart, enclosed)
 - iii. Regulatory (DiToro)
 - a. Regulation 72 Dewatering Exemption Stakeholder Process Update (enclosed)
 - b. Regulation 86 (Graywater) RMH Update (enclosed)
 - iv. Land Use Referrals - [2023 Tracking](#) (Endyk)
 - e. Legal
 - f. Other - Reminder of Watershed Plan Process Workshop - September 21, 2023 8:30-11:30 am
 - i. Draft Watershed Plan Outline, Subcommittee Update, and Board Member Input Requests (DiToro/Stewart, enclosed)*
8. Executive Session pursuant to Section 24-6-402(4) C.R.S., if necessary.
9. Adjournment

[Board Binder](#)



Cherry Creek Basin Water Quality Authority
Minutes of the Board of Directors
Thursday, July 20, 2023 at 9:00 a.m.

Board Members Present

Abe Laydon, Douglas County (zoom)
Bahman Hatami, Governor's Appointee (zoom)
Bill Ruzzo, Assistant Secretary, Governor's Appointee
Christopher Lewis, Vice Chair, Governor's Appointee (zoom)
Jessica LaPierre, City of Aurora - Alternate
John McCarty, Secretary/Treasurer, Governor's Appointee
John Woodling, Governor's Appointee
Joshua Rivero, Chair, Town of Parker
Margaret Medellin, Governor's Appointee (zoom)
Max Brooks, Town of Castle Rock
Mike Anderson, City of Lone Tree
Mike Sutherland, City of Centennial - Alternate (zoom)
Roger Hudson, City of Castle Pines
Ryan Adrian, Douglas County - Alternate
Steve Sundberg, City of Aurora
Tom Downing, Governor's Appointee
Tom Stahl, City of Greenwood Village

TAC Members Present

Alex Mestdagh, Town of Parker (zoom)
Ashley Byerley, SEMSWA
David Van Dellen, Town of Castle Rock
Jacob James, City of Lone Tree (zoom)
James Linden, SEMSWA - Alternate (zoom)
Larry Butterfield, Board Appointee, Cherry Creek State Park
Lily Montesano, Wright Water Engineers representing City of Greenwood Village (zoom)
Lisa Knerr, TAC Vice Chair, Arapahoe County (zoom)
Rick Goncalves, Board Appointee
Steve Chevalier, Arapahoe County Public Health (zoom)
Wanda DeVargas, Board Appointee, E-470

Others Present

Alan Leak, RESPEC
Erin Stewart, LRE Water
Jane Clary, Wright Water Engineers, CCBWQA Technical Manager
Jessica DiToro, LRE Water (zoom)
Nichole Kirkpatrick, CLA (zoom)
Richard Borchardt, R2R Engineers
Tim Flynn, Collins Cole Flynn Winn & Ulmer, PLLC
Val Endyk, CCBWQA

1. Call to Order and Pledge of Allegiance

Director Rivero called the meeting to order at 9:07 am and led in the pledge of allegiance.

2. Consent Agenda

- a. **Approval of the June 15, 2023 Minutes**
- b. **Acceptance of the Schedule of Cash Position Dated July, 2023**
- c. **Acceptance of the Paid Claims for June, 2023**
- d. **Approval of Unpaid Claims as of July, 2023**

Director Stahl moved to approve the consent agenda. Seconded by Director McCarty. The motion carried.

3. Direction and/or Action

a. **Approval of Castle Pines Urban Renewal Authority Agreement**

Director Ruzzo provided a [memo](#) to the Board detailing the proposed Castle Pines West Commercial District Urban Renewal Plan (URA project) and proposed tax increment financing [agreement](#). The urban renewal authority requested the Authority approve the financing agreement which waives the Authority's right to share the incremental property taxes for the plan life of 25-years. The memo shows that the phosphorus and other nutrient loading impacts to the Authority from the proposed redevelopment are de minimis. Staff recommended that the agreement be approved.

Further background and analysis can be found in the memo.

Director McCarty moved to approve the Castle Pines Urban Renewal Authority Agreement. Seconded by Director Anderson. The motion carried.

4. Discussion

a. **Updated [Bylaws](#)**

Legal Counsel for the CCBWQA provided a summary of the proposed updates to the CCBWQA Board of Directors Bylaws.

The updated Bylaws will be brought before the Board for approval at the August meeting.

b. **Lakeview Drive in Cherry Creek State Park Update (Ruzzo)**

Director Ruzzo provided an update on the proposed plans to repair the damage to Lakeview Dr. from the May storm and the impacts to water quality of ongoing increased flow through the area. The CCBWQA wants to incorporate water quality improvements when rebuilding the road, but the CPW is not in a position to fund the design of such improvements due to the need for emergency action to reopen the road and due to self-insurance constraints.

Muller will look at alternatives to replace the culverts with something that would incorporate the water quality benefit within their current scope shifting focus to Phase 1.

Larry Butterfield reported that Cherry Creek State Park is working with insurance limitations.

5. Presentations

a. **Presentation to the WQCC on CCBWQAs 2022 Annual Report on Activities**

Jane Clary, Erin Stewart, and Bill Ruzzo will present the [CCBWQA 2022 Annual Report on Activities](#) to the Water Quality Control Commission on August 14, 2023. Jane and Erin provided a dry run of the presentation to the Board.

b. **Background Phosphorus in Cherry Creek Groundwater**

Director Woodling presented on the [Natural Background Groundwater Phosphorus Concentration in Cherry Creek Reservoir](#).

Board provided direction to evaluate options to answer some of the questions posed in his presentation:

- Investigate additional monitoring in the upper areas of the basin to better document background groundwater concentrations.
- Determine if additional groundwater or fluvial geomorphology expertise would be helpful.
- Obtain El Paso County OWTS information, which is not included in CCBWQA's current mapping.

Jane will lead the effort to discuss this topic internally with staff and will provide a recommendation for next steps on this topic at a future Board meeting for discussion and direction/action. Review of CCBWQA monitoring

well data shows an average dissolved phosphorus concentration in groundwater of ~200 ug/L, which is consistent with assumptions in Regulation 72 and modeling assumptions. Director Woodling's questions are focused on natural background concentrations.

c. June Storm Event and Monitoring/Reporting Implications

Erin Stewart presented pictures and information from the [June 22nd storm event](#) and damage to the monitoring locations.

Rich Borchardt highlighted [East Shade Shelters Phase 3 and Tower Loop](#) projects with comparison pictures from 2022 to 2023.

CCBWQA will submit an insurance claim related to damage to the monitoring equipment and will update the Board on these costs at a future meeting.

Data analysis will be affected by the missing data as a result of the 2023 storm events and damage to the monitoring equipment. Consultant contracts and budgets may be impacted as well related to additional effort required to get the systems back in working order.

6. Board Member Items

Brief discussion on the impact of firefighting activities and associated PFAS water quality implications. This topic could be further discussed at a future Board meeting, but CCBWQA does not currently monitor for PFAS.

The Executive Committee submitted a letter of recommendation to the governor's office on behalf of Director Woodling and Director Downing requesting they both be appointed to serve additional terms.

Director Hatami does not plan to serve another term but is willing to stay on until a replacement is found.

7. Updates

a. Technical Manager (Clary)

i. Site Specific Standards Update

Christine Hawley has made significant progress on the data analysis for the development of a site specific standard. Initial progress and approach were presented to the TAC. She expects to finish the evaluation shortly and will present a more detailed update to the TAC in August and a technical evaluation memo will be completed by December 2023.

ii. Watershed Plan Update

Staff have made progress on developing an outline for the watershed plan update and identifying data and mapping needs. The Watershed Plan workshop in September will provide an opportunity to share progress and approach and obtain input from Board and TAC members.

iii. Land Use Referral Requests

CDOT has requested that all future referrals receive a technical review from CCBWQA.

b. Cherry Creek Stewardship Partners Update and [Events](#) (Davenhill)

i. Cherry Creek Watershed Conference - August 24, 2023 at the Parker Arts, Culture, and Events Center

c. TAC (Erickson)

d. Contract Staff (see enclosed memos)

i. PAPM

a. CIP Status [Report](#) (Borchardt)

b. Maintenance and Operations Status Report (Goncalves)

Rick Goncalves provided the Board with a [report](#) from the May flood post-storm inspection.

Additionally, Rick Goncalves reported that the RDS sustained a compressor shut down. Rick coordinated with Ingersoll Rand and the problem was resolved. Rick is following up with Ingersoll Rand on future reporting/alerts for shutdowns so that shut downs alerts are received in a timely manner.

ii. [Water Quality Update](#) and [Memo](#) (Stewart)

iii. Regulatory (DiToro)

iv. Land Use Referrals - [2023 Tracking](#) (Endyk)

e. Legal none

f. Other - Reminder of Watershed Plan Process Workshop - September 21, 2023 8:30-11:30 am

8. Executive Session pursuant to Section 24-6-402(4) C.R.S., if necessary.

There was no executive session.

9. Adjournment

There being no further business to come before the Board, Director Rivero adjourned the meeting at 11:15 am.

[Board Binder](#)

CHERRY CREEK BASIN WATER QUALITY AUTHORITY
SCHEDULE OF REVENUES, EXPENDITURES AND
CHANGES IN FUND BALANCES - BUDGET AND ACTUAL
FOR THE SIX MONTHS ENDED JUNE 30, 2023

ENTERPRISE FUND

	Annual Budget	Year to Date Actual	Variance
REVENUES			
Building permit fees	\$ 250,000	\$ 62,925	\$ (187,075)
Recreation fees	300,000	123,383	(176,617)
Wastewater surcharge	111,000	80,264	(30,736)
Interest income	8,000	30,588	22,588
TOTAL REVENUES	669,000	297,160	(371,840)
EXPENDITURES			
Equipment	65,000	11,144	53,856
Management/administration	21,000	-	21,000
PAPS - Reservoir to 12-Mile Park Study	5,000	32,365	(27,365)
Contingency	15,000	-	15,000
Planning			
CCBWQA Planning	105,000	7,705	97,295
Special Studies/Projects			
BMP Effectiveness	75,000	12,414	62,586
PRF/PAP WQ Benefits	5,000	-	5,000
Special Studies/Projects - Reservoir Nutrient Mitigation	50,000	-	50,000
Special Studies/Projects - Watershed Master Plan	50,000	-	50,000
TOTAL EXPENDITURES	391,000	63,628	327,372
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	278,000	233,532	(44,468)
OTHER FINANCING SOURCES (USES)			
Transfers to Pollution Abatement Fund	(401,400)	(178,295)	223,105
TOTAL OTHER FINANCING SOURCES (USES)	(401,400)	(178,295)	223,105
NET CHANGE IN FUNDS AVAILABLE	(123,400)	55,237	178,637
FUNDS AVAILABLE - BEGINNING	1,215,912	1,922,970	707,058
FUNDS AVAILABLE - ENDING	\$ 1,092,512	1,978,207	\$ 885,695
RECONCILIATION OF BUDGET TO GAAP			
Investment in capital assets		350,000	
TOTAL NET POSITION		\$ 2,328,207	

No assurance is provided on these financial statements. Substantially all required disclosures, the government-wide financial statements, and the statement of revenues, expenditures and changes in fund balances – governmental funds have been omitted.

Cherry Creek Basin Water Quality Authority
Paid Claim July 14, 2023 through August 10, 2023

Process Date	Vendor	Invoice Number	Payment Reference	Amount
7/19/2023	Ingersoll-Rand Company	31061957	P23071901 - 9922083	3,657.49
7/20/2023	Collins Cole Flynn Winn & Ulmer, PLLC	3637	P23071901 - 9922077	7,059.00
7/20/2023	Hydros Consulting Inc.	Multi	P23071901 - 9922050	16,912.00
7/20/2023	LRE Water	23379	P23071901 - 9922088	29,612.18
7/20/2023	Mile High Flood District	INV02944	P23071901 - 9922115	88,000.00
7/20/2023	Muller Engineering Company	Multi	P23071901 - 9922040	9,553.50
7/20/2023	Pinpoint Systems Inc.	9996	P23071901 - 9922105	258.75
7/20/2023	R2R Engineers, Inc.	2023-06	P23071901 - 9922109	14,220.97
7/20/2023	RESPEC	Multi	P23071901 - 9922060	2,059.23
7/20/2023	RG and Associates LLC	153266	P23071901 - 9922113	3,918.75
7/20/2023	Teledyne Isco	S020610308	P23071901 - 9922102	11,144.03
7/20/2023	Valerie Endyk	18	P23071901 - 9922094	3,037.50
7/20/2023	Wright Water Engineers, Inc.	67121	P23071901 - 9922069	17,843.50
7/25/2023	CH2M Hill - Jacobs Engineering	D3150300-040	Re-issued check	280.00
			Subtotal	\$ 207,556.90
Other Payments				
7/25/2023	Verizon		ACH	51.46
7/27/2023	XCEL Energy		ACH	10,781.06
8/1/2023	Get Streamline.com Website		Visa	200.00
			Subtotal	\$ 11,032.52
			Total Payments	\$ 218,589.42

Cherry Creek Basin Water Quality Authority
Unpaid Claims as of 08/10/23

Date	Vendor*	Invoice #	Fund	Account Description	Amount
6/28/2023	Cherry Creek Stewardship Partners	2023004	GF	CC Stewardship Partners	\$ 14,000.00
6/30/2023	CliftonLarsonAllen LLP	3812848	GF	Accounting	6,343.03
6/30/2023	Collins Cole Flynn Winn & Ulmer, PLLC	3888	GF	Legal	7,683.00
5/15/2023	Fiscal Focus Partners, LLC	23041	GF	Auditing	8,000.00
7/16/2023	Ingersoll-Rand Company	31072471	PAF	Reservoir Destrat. Service Plan	10,637.98
8/7/2023	L & M Enterprises, Inc.	4935	ENT	Equipment	1,500.00
7/25/2023	LRE Water	23656	GF	Multiple GF Accounts	48,269.69
7/25/2023	LRE Water	23656	PAF	Wetlands Harvesting	215.00
7/20/2023	Muller Engineering Company	36902	PAF	Stream Reclamation - Reservoir to LV Road	3,526.53
7/31/2023	Pinpoint Systems Inc.	10013	GF	Office/Miscellaneous Expense	307.50
7/31/2023	R2R Engineers, Inc.	2023-07	GF	Management/Administration	6,630.00
7/31/2023	R2R Engineers, Inc.	2023-07	PAF	Management/Administration	9,459.19
6/30/2023	RESPEC	0623-1501	PAF	Multiple Accounts	4,243.23
7/31/2023	RG and Associates LLC	153315	GF	TAC Coordination	1,584.00
7/31/2023	RG and Associates LLC	153315	PAF	Multiple Accounts	5,329.50
7/25/2023	Valerie Endyk	19	GF	Administrative Assistant	3,881.25
8/31/2023	Verizon (Estimate)	July	GF	Miscellaneous	51.45
5/31/2023	Wright Water Engineers, Inc.	66915	ENT	CCBWQA Planning	2,484.00
6/30/2023	Wright Water Engineers, Inc.	67161	ENT	CCBWQA Planning	2,176.75
7/31/2023	Wright Water Engineers, Inc.	67377	ENT	BMP Effectiveness	2,413.50
7/31/2023	Wright Water Engineers, Inc.	67378	GF	WQCC regulation hearings	231.00
7/31/2023	Wright Water Engineers, Inc.	67378	PAF	Management/Administration	19,923.75
7/31/2023	Xcel Energy	839207270	PAF	Utilities - Reservoir Destratification	9,986.37
Total Claims					<u>\$ 168,876.72</u>
General Fund					\$ 96,980.92
Pollution Abatement Fund					63,321.55
Enterprise Fund					8,574.25
Total Claims by Funding Source					<u>\$ 168,876.72</u>

* by vendor

**RESTATED AND AMENDED BYLAWS
(REVISED APRIL 15, 2010 AND JULY 21, 2011 AND AUGUST 17, 2023)
OF THE
CHERRY CREEK BASIN WATER QUALITY AUTHORITY**

**ARTICLE I.
STATEMENT OF PURPOSE**

The statutory purpose and focus of the Cherry Creek Basin Water Quality Authority (“Authority”) is to improve, protect and preserve the water quality of Cherry Creek and the Cherry Creek Reservoir, and as enumerated in Section 25-8.5-101 et seq., C.R.S., as amended, to:

1. Exist for the public benefit and advantage of the people of the State of Colorado;
2. Benefit the inhabitants and landowners within the boundaries of the Authority by preserving water quality in Cherry Creek and Cherry Creek Reservoir;
3. Benefit the people of the State of Colorado by preserving waters for recreation, fisheries, water supplies, and other beneficial uses;
4. Promote the health, safety and welfare of the people of the State of Colorado;
5. Provide for effective efforts by the various counties, municipalities, special districts, and landowners within the boundary of the Authority in the protection of water quality; and
6. Provide that new development and construction pay its equitable proportion of the cost for water quality preservation and facilities.

**ARTICLE II.
MEMBERSHIP OF AUTHORITY**

The Members of the Authority shall consist of the following entities and individuals:

A. Entity Members.

1. **County Members.** Each county that has property within the Authority’s boundaries; and
2. **Municipal Members.** Each municipality that has property within the Authority’s boundaries; and

3. **Special District Member.** There shall be one Special District Member which shall be designated by all of the special districts organized pursuant to Article I of Title 32 C.R.S. which include in their service areas property within the Cherry Creek Basin and that own and operate wastewater treatment service facilities in the Cherry Creek Basin. For purposes of this Article II, wastewater treatment facilities shall mean a wastewater treatment facility with a design capacity to receive and treat more than two thousand gallons of sewage per day.

B. Individual Members. The Authority shall have seven Individual Members who shall be appointed by the Governor to represent sportspersons or recreational organizations that have members that use the reservoir. A minimum of two of these appointees shall be from bona fide citizen or environmental organizations interested in preserving water quality with members who use the reservoir or live within the Cherry Creek Basin, as provided in Section 25-8.5-105(1)(d), C.R.S., as amended.

C. Ex-Officio Members. Every soil conservation district of which more than two thirds of its territory is included within the Authority's boundaries shall be an ex-officio member of the Authority. The Authority reserves the right to designate or to remove, from time to time, as an ex-officio member of the Authority any nonprofit public interest group or association having an interest in the Cherry Creek Basin and any governmental or quasi-governmental agency, as provided in Section 25-8.5-108(1)(b) C.R.S. Ex-officio members shall be non-voting members of the Authority and shall not be entitled to designate a representative to sit on the Authority's Board of Directors. Ex-officio members shall be provided notice of Authority meetings and may appoint a liaison to the Authority. All such appointments or changes thereto shall be in writing and shall include the full name and mailing address of the liaison and shall be delivered to the Administrator of the Authority.

ARTICLE III. **OFFICES**

A. Principal Office. The Principal Office of the Authority shall be located within the State of Colorado at such location as designated by the Board of Directors from time to time. Notice of any change in the location of the Authority's Principal Office shall be provided in advance to all Members of the Authority.

B. Other Offices. The Authority may have such other offices and places of business within the State of Colorado as the Board of Directors may designate from time to time.

ARTICLE IV.
BOARD OF DIRECTORS

A. **Governing Body and Powers.** The governing body of the Authority shall be a Board of Directors (hereinafter sometimes referred to as the “Board”) which shall exercise and perform all powers, rights, privileges, and duties vested or imposed by Section 24.8-5-110, C.R.S., or as necessary, incidental to or implied there from.

B. **Number, Tenure and Qualifications of Directors.**

1. **Number of Directors.** The Authority’s Board shall consist of 18 Members or such other number as may be required from time to time to comply with the provisions of Sections 25-8.5-105 and 106 C.R.S. as amended.

2. **Directors Representing County and Municipal Members.** Each County and Municipal Member of the Authority shall be entitled to appoint one primary representative and two alternate representatives to serve on the Board. Each primary representative shall be an elected official of the appointing Member. Alternate representatives shall be entitled to serve on the Board in the order of preference specified by the appointing County or Municipal Member and then only in the absence of the primary representative. Nothing herein contained shall prevent a County or Municipal Member’s primary representative from also serving as the alternative representative of another County or Municipal Member; provided, however, that under no circumstances shall any Member of the Board act as the representative for more than two Entity Members, as hereinafter defined, at any one time.

a. **Alternate Representatives.** Except for the elected official requirement stated above applicable to a County or Municipal Member’s primary representative, alternate representatives, whether they be for a County or Municipal Member shall be subject to all the requirements and limitations that apply to a primary representative, except that a County or Municipal Member’s alternative representative may also serve on the Board’s Technical Advisory Committee.

3. **Director Representing Special District Member.** The Special District Member of the Authority shall be entitled to appoint one primary representative and two alternate representatives to serve on the Board; provided, however, such representatives shall be chosen by the unanimous consent of the special districts with service areas located within the Cherry Creek Basin as more particularly described in Sections 25-8.5-105(1)(c) as amended and 25-8.5-119 C.R.S. Alternate representatives shall be entitled to serve on the Board in the order of preference specified in the appointment and then only in the absence of the primary representative. The Special District alternate representative shall be subject to all the requirements and limitations that apply to the primary Special District representative, except that a Special District alternative representative may serve on the Board’s Technical Advisory Committee.

4. **Individual Members Appointed by the Governor.** Each Individual Member of the Authority Board appointed by the Governor shall also be a Member of the Authority.

5. **Tenure of Directors.**

a. **Individual Authority Members.** The Individual Members of the Authority who are appointed by the Governor shall serve a term, both as a Member of the Authority and as a member of the Board, of four years or until a successor is duly appointed; provided, however, that of the seven Individual Members initially appointed by the Governor in July of 2001, four shall serve an initial term of four years and three shall serve an initial term of two years.

b. **Representatives Designated by an Entity Member.** The designated representative, whether the primary or an alternate representative for each County and Municipal Member, and for the Special District Member (each an “Entity Member”) shall serve a term of two years or until a successor is duly appointed. Each Entity Member of the Authority shall provide written notice of its designated primary and alternate representatives to the recording secretary of the Authority. An Entity Member may in its discretion, remove its primary representative from the Board (and any alternate) at any time and designate a successor thereto by providing written notice to the Authority’s recording secretary.

C. **Removal of a Director Following Unexcused Absences.** If any Entity Member of the Authority is unrepresented at two consecutive regular meetings of the Board, without the Board having entered upon its minutes an approval of such absences, the Board may submit a written request to such Member that either the Member’s primary or one of its designated alternate representatives attend the next regular meeting of the Board. If following such request, no representative of the Entity Member attends the next regular meeting of the Board, the Board after consultation with the Entity Member may appoint an interim representative for that Entity Member from said Entity’s jurisdiction. Said appointee shall serve until the Entity Member appoints a new primary and one or more new alternative representatives to serve on the Board as provided in Section 25-8.5-106(1), C.R.S. as amended.

D. **Officers.** At the first Board meeting of each calendar year or as soon thereafter as is reasonably practical, but in no event no later than March 31st of each calendar year, the Board shall elect from its Members, a Chair, a Chair Pro Tempore, a Secretary/Treasurer and one or more Assistant Secretaries. Said officers shall serve until their successors are duly elected.

E. **Recording Secretary.** The Board may appoint and/or remove from time to time a Recording Secretary, who may, but does not have to be a member of the Board.

1. **Chair.**

a. **Duties.** The Chair shall be the chief executive officer of the Authority and shall have general supervision of the business and activities of the Authority. The Chair shall preside at meetings of the Board and shall discharge the duties of a presiding officer.

b. **Term Limitation.** The term of the office of Chair of the Authority shall be one year. A Board member may serve a maximum of three consecutive terms as Chair. After serving three consecutive one year terms as Chair, a Board member shall not be eligible to serve as Chair for a period of one calendar year. (Amended by Resolution 2008-12-1)

2. **Chair Pro Tempore.** The Chair Pro Tempore shall have such powers and perform such duties as the Board may from time to time prescribe or as the Chair may from time to time delegate. At the request of the Chair, or in the event of the Chair's absence or inability to act, the Chair Pro Tempore may serve as acting Chair.

3. **Secretary/Treasurer.** The Secretary/Treasurer shall keep or cause to be kept accurate books and records of accounts including disbursement of all funds for Board approved payments. The Secretary/Treasurer shall be the custodian of the Authority's records, the Authority's seal, and shall perform all duties incident to the office of Secretary/Treasurer as may from time to time be assigned by the Board.

4. **Assistant Secretary/Treasurer.** In the absence or inability to act of the Secretary/Treasurer, an Assistant Secretary shall act with the same powers and shall be subject to the same restrictions as are applicable to the Secretary/Treasurer.

F. Resignation. Any officer may resign at any time by giving notice to the Chair and to the Secretary/Treasurer of the Authority. Such resignation shall take effect at the time specified therein, and unless otherwise specified, the acceptance of such resignation shall not be necessary to make it effective.

G. Vacancies. Any vacancy occurring in an office for any reason, including but not limited to, an officer's resignation, may be filled at any regular or special meeting of the Board of Directors by a majority of the quorum present.

H. Removal. At any meeting of the Board of Directors at which a majority of the Board of Directors are present and for which the agenda specifically lists officer removal as an agenda item, any one or more Authority officers may be removed, with or without cause, by a vote of the majority of the Board of Directors.

ARTICLE V.
BOARD MEETINGS

A. **Regular Meetings.** Regular meetings of the Board of Directors shall be held monthly or at such other regular intervals and at such time and place as the Board shall determine.

B. **Special Meetings.** Special meetings of the Board may be called at any time by the Chair, by resolution of the Board of Directors, or upon request of any two Board members.

C. **Notices and Agendas.**

1. **Statutory Notice.** Notice, including an agenda if available, to the public of regular and special meetings of the Board of Directors or any meeting of any advisory, policy-making, rulemaking, or formally constituted body of the Authority to which the Authority has delegated a governmental decision-making function shall be posted online in accordance with Section 24-6-402(2)I C.R.S. as amended provided, however, nothing herein contained shall preclude the Authority from also posting such notice in the office of the county clerk and recorder of each county having territory within the Authority's boundaries.

2. **Mailings.**

a. In addition to the posting of notice of regular and special meetings online, in accordance with state statute, a meeting notice with appropriate enclosures, including an agenda, shall be mailed or emailed in advance of each meeting to each Board member at his or her address or email address as shown on the records of the Authority.

b. All ex-officio members shall receive copies of all notices, agendas, and appropriate enclosures at the address or email address of their designated representative.

c. The Administrator of the Authority shall maintain a list of persons who, within the previous two years, have requested notification of all meetings or of meetings when certain specified policies or subjects will be discussed and shall provide reasonable advance notice by email or mail of such meetings, provided, however, that any unintentional failure to provide such advance notice will not nullify actions taken at an otherwise properly noticed meeting.

D. **Informal Meetings - Notices.** Informal meetings of three or more Members of the Board, at which no final decisions or formal actions can be taken, maybe held from time to time. Such meetings include study sessions, subcommittee meetings, or any meetings of three or more Board members at which Authority business is to be

discussed. Such meetings shall be open to the public. Notice of any such meetings shall be given to all Members of the Board by email at least twenty-four (24) hours in advance of such meeting, unless such informal meeting was set and authorized by the Board at a regular or special Board meeting. Public notice of such informal meetings shall be posted on the Authority's website at least twenty-four (24) hours prior, to the informal meeting, in accordance with Section 24-6-402(2)(c) C.R.S.

ARTICLE VI. **VOTING/QUORUM**

A. Members Entitled to Vote.

1. **In General.** Except for a change in the levy and collection of ad valorem taxes pursuant to Sections 25-8.5-107(5) and 25-8.5-111(1)(p)(I) C.R.S., each Entity Member of the Authority acting through its designated representative and each Individual Member of the Authority shall be entitled to one vote on any matter coming before the Board. Any vote by the designated representative of the Special District Member of the Authority shall reflect the majority of the represented Special Districts.

2. **Vote Regarding the Levy and Collection of Taxes.**

Notwithstanding any other provision contained in these Bylaws to the contrary, any vote regarding a change in the levy and collection of taxes pursuant to Sections 25-8.5-107(5) and 25-8.5-111(1)(p)(I) C.R.S. shall be limited to and may be exercised only by the primary representative of each Municipal and County Member of the Authority.

B. Quorum. Fifty percent (50%) of all members of the Board must be physically present to constitute a quorum for the transaction of business at any meeting of the Board.

C. Majority Vote Required for Action. Except for any vote regarding the levy and collection of taxes pursuant to Sections 25-8.5-107(5) and 25-8.5-111(1)(p)(I) C.R.S., or to take any Board action where a special majority vote is required as provided in Section 25-8.5-107(2) C.R.S. as amended, all actions of the Board for which a vote is required shall be made and decided by a majority vote of the quorum present.

D. Special Majority Vote Required. An affirmative vote of a majority of the members of the Board shall be required for the Board to take action with regard to any of the following matters as enumerated in Section 25-8.5-107(2) C.R.S.:

1. Proposed wasteload allocations;
2. Site location or site plans selected pursuant to Section 25-8-702

C.R.S.;

3. Discharge permits secured pursuant to Section 25-8-501 C.R.S. or the Clean Water Act;
4. Amendments to the Authority’s Wastewater Management Plan;
5. Authority budget and funding decisions.

E. Attendance by Electronic Media. An Individual Member, or a representative of an Entity Member who is unable to be physically present for a Board meeting may attend by telephone or other electronic media. Notwithstanding the foregoing, only those Individual Members and representatives of an Entity Member who are physically in attendance at an Authority Board meeting may vote on matters that come before the Board, except when attendance by telephone or other electronic media is necessary to establish a quorum due to weather or other extenuating circumstances and the Chair authorizes those so attending to vote.

F. Disclosures and Abstentions. Each Individual Member and each representative of an Entity Member shall provide such disclosures, including potential conflict of interest disclosures, as may be required by state and federal law, including but not limited to, Section 25-8.5-107(4), C.R.S., Section 24-18-101, et seq., C.R.S. (standards of conduct for public officials), and Section 18-8-308, C.R.S. Unless otherwise permitted by law, any Individual Member and any representative of an Entity Member who has a personal or private interest in any matter proposed or pending before the Board after disclosure thereof, shall recuse himself or herself from the meeting, shall step to the back of the boardroom, and shall refrain from attempting to in any way influence the decision of the other members of the Board on the matter.

G. Voting. No Individual Member or representative of an Entity Member shall abstain from voting unless abstention is required by law or because the Individual Member or Entity Member representative believes he or she has a potential conflict of interest. Unless a roll call vote is requested by an Individual Entity Member or any Entity Member representative, any matter that can be decided by a majority of the quorum present shall be by a voice vote, except all special matters as enumerated in Article VI, Section D above shall be decided by a roll call vote.

ARTICLE VII.
ADVISORY COMMITTEES

A. Technical Advisory Committee.

1. **Appointment of Members.**

a. **Entity Member Representatives.** Subject to the eligibility requirements set forth in subparagraph (b) below, each Entity Member of the Authority, including ex-officio Entity Members, may appoint one representative to serve on the

Technical Advisory Committee. The Technical Advisory Committee shall perform such functions and duties as the Authority Board may direct from time to time. The Technical Advisory Committee shall have the authority to establish administrative rules and procedures governing its activities provided the same are not in conflict with these Bylaws or any direction or other limitation established by the Board from time to time. Each Entity Member of the Authority that appoints a representative to the Committee shall promptly notify the Administrator of the Authority in writing of its appointed representative and the representative's mailing address and any changes thereto.

b. **Eligibility for Membership.**

(1) **Representatives of Entity Members.** Each Entity Member may, from its staff, appoint one representative and one alternate to serve on the Technical Advisory Committee.

(2) **Board Members May Not Serve.** Individual Members and the primary representative for an Entity Member shall not be eligible to serve on the Technical Advisory Committee. Notwithstanding the foregoing, Individual Members and the primary representative for Entity Members may serve on one or more subcommittees of the Technical Advisory Committee. Nothing herein contained shall preclude an Entity Member's alternate representative from also being a member of the Board's Technical Advisory Committee; provided, however, that when the alternate representative serves in place of the primary Entity Member representative at an Authority Board meeting the alternate representative shall disclose such Technical Advisory Committee service to the Authority Board at the beginning of the meeting.

(3) **Public Interest Group Representatives.** The Board may from time to time appoint to the Technical Advisory Committee individuals who represent educational or public interest groups having an interest in storm water drainage and water quality in the Cherry Creek Basin.

(4) **Local Government Representatives.** The Board may from time to time appoint to the Technical Advisory Committee individuals who represent local governments that are not members of the Authority, but who nonetheless have an interest in storm water drainage and water quality in the Cherry Creek Basin, such as, but not limited to, the Urban Drainage and Flood Control District, the South-East Metropolitan Storm Water Drainage Authority, and the Tri-County Health Department.

2. **Chair.**

a. **Selection.** The Technical Advisory Committee shall by a majority vote select one of its members to serve as Chair and one of its members to serve as Vice Chair of the Technical Advisory Committee.

b. **Duties of the Chair.** The Chair of the Technical Advisory Committee shall preside at meetings of the Technical Advisory Committee and shall discharge the duties of presiding officer.

c. **Duties of Vice Chair.** The Vice Chair shall have such powers and perform such duties as the members of the Technical Advisory Committee may from time to time prescribe or as the Chair may from time to time delegate. At the request of the Chair, or in the event of the Chair's absence or inability to act, the Vice Chair shall serve as acting Chair.

3. **Meetings.** The Technical Advisory Committee may hold meetings monthly at a time and place to be determined by the Technical Advisory Committee. All meetings of the Technical Advisory Committee shall be open to the public.

4. **Duties of the Committee.** The Technical Advisory Committee shall report to the Board and shall perform such duties and tasks as the Board shall from time to time direct, which may include but shall not be limited to, the following:

a. **Technical Matters.** To the extent requested by the Board, the Technical Advisory Committee shall consider and report to the Board on all Authority matters of a scientific or technical nature. Technical Advisory Committee recommendations on these matters shall be forwarded to the Board for a final decision.

b. **Referral Comments.** To the extent authorized and only as directed by the Board, the Technical Advisory Committee shall have the authority to develop and submit referral comments on behalf of the Authority on various matters including but not limited to the following:

(1) **401 and 404 Permits.** As requested by the Board, the Technical Advisory Committee shall review all applications for 401 and 404 permits in the Cherry Creek Basin, and may submit comments and recommendations to assure compliance with water quality standards, water quality plans, Authority requirements and best management practices.

(2) **Local Government Decisions.** As requested by the Board, the Technical Advisory Committee shall have the authority to review and submit comments and recommendations on behalf of the Authority, as a referral agency, to local government agencies, including comments on applications for rezonings, subdivisions, special projects, new rules and regulations, etc.

B. Other Advisory Committees.

1. **Establishment of Committees.** The Board may establish, in addition to the Technical Advisory Committee, such other advisory committees as the Board shall from time to time determine.

2. **Duties.** Except as provided in Article VII(a)(4) for the Technical Advisory Committee, the Board shall establish and enumerate the duties of all advisory committees. Nothing herein contained shall preclude the alternate representative for any Entity Member from also serving on other Board advisory committees; provided, however, when such alternate representative serves in the place of the primary Entity Member representative at an Authority Board meeting, the alternate representative shall disclose to the Authority Board at the beginning of the meeting that such alternate representative serves on a Board advisory committee.

C. Provisions Applicable to all Advisory Committees.

1. **Resignation.** A member of any advisory committee may resign at any time by giving written notice to the Chair of the committee and to the Secretary/Treasurer of the Authority. Such resignation shall take effect at the time specified therein, and the acceptance of such resignation shall not be necessary to make it effective.

2. **Vacancies.** Except as provided in Article VII(A)(1)(b), for the Technical Advisory Committee, any vacancy occurring on an advisory committee by reason of resignation or otherwise may be filled by an affirmative vote of a majority of the Board.

3. **Removal.** At any meeting of the Board duly called expressly for that purpose, any one or more members of an advisory committee may be removed with or without cause by a vote of the majority of the Board.

ARTICLE VIII.
RECORDS RETENTION AND DESTRUCTION

A. Records Management. The Authority shall comply with, and adopt and maintain policies as necessary for compliance with, applicable records retention, destruction and disclosure requirements, including the Colorado Open Records Act, State Archives and Public Records Law, and various consumer privacy legislation, if applicable. The Authority's manager or his or her designee is hereby designated as the Official Custodian of Records pursuant to the Open Records Act. In the event there is any question as to whether the Authority is permitted to comply with an Open Records Act request, the Custodian of Records shall forward such request to the Authority's legal counsel. Copies of records shall be furnished at a cost of \$0.25 per standard page. Where a request requires more than one hour of staff time for retrieval and/or review, the Authority may charge a nominal fee.

B. Records Retention. The Authority has adopted the Colorado Special District Record Retention Schedule and may thereafter adopt any revisions as promulgated by the State Archivist's office. The Authority may request in writing

permission from the Colorado State Archivist to follow and retain and/or destroy Authority records in accordance with said adopted schedule. Upon receipt of approval from the State Archivist's office the Authority may destroy or otherwise dispose records in accordance with said adopted schedule except as set forth in subparagraph C below.

C. Exception. Notwithstanding any provision contained in such adopted record retention schedule, the Authority shall not destroy any scientific records, data or reports without the prior approval of the Authority's Board of Directors after considering advice from the Technical Advisory Committee.

D. Records Destruction Procedure. At least thirty (30) days prior to the destruction of any Authority records permitted by the Colorado Special District Record Retention Schedule, the manager shall submit a complete list of all records so scheduled for destruction. The Board at that time may remove from the list any record that the Board for any reason does not want destroyed.

ARTICLE IX.
ADMINISTRATOR, TECHNICAL MANAGER, OR ADMINISTRATIVE ASSISTANT OF THE AUTHORITY

A. Generally. The Authority may from time to time and at its discretion retain an Administrator, Technical Manager, and/or Administrative Assistant to perform such duties as the Authority may from time to time determine appropriate.

B. Duties. The Administrator shall perform the following duties:

1. As directed by the Board, provide management services to Authority, including to the Board and advisory committees; and
2. As directed by the Board, coordinate and oversee the activities of Authority consultants; and
3. As directed by the Board, coordinate the activities of the Authority's Attorney who shall nonetheless report directly to the Board.

ARTICLE X.
AMENDMENTS

Except as otherwise required by law, these Bylaws may be amended at any regular meeting of the Board or any special meeting called for that purpose provided that written notice of the proposed amendment shall have been given at least fourteen (14) days prior to the meeting. Any such amendment shall require an affirmative vote of a majority of the members of the Board present at any duly constituted meeting.

ARTICLE XI.
MISCELLANEOUS PROVISIONS

A. **Headings.** The headings throughout these Bylaws are for convenience and reference only and shall in no way be deemed to define, limit, or add to the meaning of any provision hereof.

B. **Conduct of Meetings.** The conduct of all meetings of the members of the Board of Directors or any committee shall be according to such rules as the Board or appropriate committee may establish from time to time.

I, John McCarty, as Secretary/Treasurer for the Cherry Creek Basin Water Quality Authority, hereby certify that the foregoing Restated and Amended Bylaws became effective on August 17, 2023.

John McCarty, Secretary/Treasurer

CHERRY CREEK BASIN WATER QUALITY AUTHORITY

FINANCIAL STATEMENTS

JUNE 30, 2023

DRAFT

CHERRY CREEK BASIN WATER QUALITY AUTHORITY
STATEMENT OF NET POSITION
JUNE 30, 2023

	Governmental Funds		Business-Type Fund	<u>Total</u>
	General	Pollution Abatement	Enterprise	
ASSETS				
CURRENT ASSETS				
Cash - Checking	\$ 31,714	\$ 26,955	\$ 5,813	\$ 64,482
C - Safe	859,161	42,246	386,563	1,287,970
Colotrust - General	792,340	3,165,818	1,460,291	5,418,449
Colotrust - Pollution Abatement	-	55,745	-	55,745
Accounts receivable	-	-	147,033	147,033
Receivable from County Treasurer	777,696	-	-	777,696
Total Current Assets	<u>2,460,911</u>	<u>3,290,764</u>	<u>1,999,700</u>	<u>7,751,375</u>
CAPITAL ASSETS				
Capital assets, net	-	-	350,000	350,000
Total Capital Assets	<u>-</u>	<u>-</u>	<u>350,000</u>	<u>350,000</u>
TOTAL ASSETS	<u>\$ 2,460,911</u>	<u>\$ 3,290,764</u>	<u>\$ 2,349,700</u>	<u>\$ 8,101,375</u>
LIABILITIES AND NET POSITION				
CURRENT LIABILITIES				
Accounts payable	\$ 80,782	\$ 61,930	\$ 21,494	\$ 164,206
Total Current Liabilities	<u>80,782</u>	<u>61,930</u>	<u>21,494</u>	<u>164,206</u>
NET POSITION				
Investment in capital assets	-	-	350,000	350,000
Restricted	-	3,228,834	-	3,228,834
Unrestricted	2,380,129	-	1,978,206	4,358,335
Total Net Position	<u>2,380,129</u>	<u>3,228,834</u>	<u>2,328,206</u>	<u>7,937,169</u>
TOTAL LIABILITIES AND NET POSITION	<u>\$ 2,460,911</u>	<u>\$ 3,290,764</u>	<u>\$ 2,349,700</u>	<u>\$ 8,101,375</u>

No assurance is provided on these financial statements. Substantially all required disclosures, the government-wide financial statements, and the statement of revenues, expenditures and changes in fund balances – governmental funds have been omitted.

CHERRY CREEK BASIN WATER QUALITY AUTHORITY
STATEMENT OF REVENUES, EXPENSES AND
CHANGES IN NET POSITION
FOR THE SIX MONTHS ENDED JUNE 30, 2023

	General Fund	Pollution Abatement Fund	Enterprise Fund	Total All Funds
OPERATING REVENUE				
Building permit fees	\$ -	\$ -	\$ 62,925	\$ 62,925
Recreation fees	-	-	123,383	123,383
Wastewater surcharge	-	-	80,264	80,264
Total Operating Revenue	<u>-</u>	<u>-</u>	<u>266,572</u>	<u>266,572</u>
OPERATING EXPENSES				
Accounting	29,263	-	-	29,263
Administrative Assistant	29,100	-	-	29,100
Auditing	8,000	-	-	8,000
CC Stewardship Partners	14,000	-	-	14,000
CCBWQA website	200	-	-	200
WQCC regulation hearings	44,266	-	-	44,266
County Treasurer's fee	40,896	-	-	40,896
Dues and licenses	1,238	-	-	1,238
Equipment	-	-	11,144	11,144
Insurance and bonds	6,037	-	-	6,037
Management/administration	37,245	173,076	-	210,321
TAC coordination	8,279	-	-	8,279
Legal services	53,140	-	-	53,140
Repairs and maintenance	-	2,434	-	2,434
PAPS - Reservoir to 12-Mile Park Study	-	-	32,365	32,365
Office / miscellaneous	7,259	-	-	7,259
Watershed management	69,900	-	-	69,900
Monitoring and reporting	121,221	-	-	121,221
Special projects	-	-	12,414	12,414
Pollution reduction facilities	-	26,426	-	26,426
Reservoir	-	1,470	-	1,470
East Shade Shelter	-	13,946	-	13,946
Stream reclamation	-	736,535	-	736,535
Total Operating Expenses	<u>470,044</u>	<u>953,887</u>	<u>55,923</u>	<u>1,479,854</u>
Operating Income (Loss)	<u>(470,044)</u>	<u>(953,887)</u>	<u>210,649</u>	<u>(1,213,282)</u>
NONOPERATING REVENUE (EXPENSES)				
Property taxes	2,723,978	-	-	2,723,978
Specific ownership tax	114,391	-	-	114,391
Interest income	123,254	1,346	30,588	155,188
Transfers from General Fund	-	1,776,974	-	1,776,974
Transfers from Enterprise Fund	-	178,295	-	178,295
Transfers to Pollution Abatement Fund	(1,776,974)	-	(178,295)	(1,955,269)
Total Nonoperating Revenue (Expenses)	<u>1,184,649</u>	<u>1,956,615</u>	<u>(147,707)</u>	<u>2,993,557</u>
CHANGE IN NET POSITION	714,605	1,002,728	62,942	1,780,275
TOTAL NET POSITION - BEGINNING	<u>1,665,524</u>	<u>2,226,105</u>	<u>2,272,970</u>	<u>6,164,599</u>
TOTAL NET POSITION - ENDING	<u>\$ 2,380,129</u>	<u>\$ 3,228,834</u>	<u>\$ 2,328,206</u>	<u>\$ 7,937,169</u>

No assurance is provided on these financial statements. Substantially all required disclosures, the government-wide financial statements, and the statement of revenues, expenditures and changes in fund balances – governmental funds have been omitted. 24

CHERRY CREEK BASIN WATER QUALITY AUTHORITY
STATEMENT OF REVENUES, EXPENDITURES AND
CHANGES IN FUND BALANCES - BUDGET AND ACTUAL
FOR THE SIX MONTHS ENDED JUNE 30, 2023

GENERAL FUND

	Annual Budget	Year to Date Actual	Variance
REVENUES			
Property taxes	\$ 2,784,685	\$ 2,723,978	\$ (60,707)
Specific ownership tax	215,204	114,391	(100,813)
Interest income	60,000	123,254	63,254
TOTAL REVENUES	3,059,889	2,961,623	(98,266)
EXPENDITURES			
General and administration			
Accounting	70,000	29,263	40,737
Administrative Assistant	86,300	29,100	57,200
Auditing	7,500	8,000	(500)
CC Stewardship Partners	35,000	14,000	21,000
CCBWQA website	10,000	200	9,800
WQCC regulation hearings	228,000	44,266	183,734
County Treasurer's fee	39,900	40,896	(996)
Dues and licenses	2,000	1,238	762
Insurance and bonds	10,000	6,037	3,963
Management/administration	69,000	37,245	31,755
TAC coordination	20,800	8,279	12,521
Legal services	100,000	53,140	46,860
Office / miscellaneous	7,400	7,259	141
Watershed management	208,400	69,900	138,500
Monitoring and reporting	315,000	121,221	193,779
TOTAL EXPENDITURES	1,209,300	470,044	739,256
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	1,850,589	2,491,579	640,990
OTHER FINANCING SOURCES (USES)			
Transfers to Pollution Abatement Fund	(1,835,933)	(1,776,974)	58,959
Supplemental transfers	(500,000)	-	500,000
TOTAL OTHER FINANCING SOURCES (USES)	(2,335,933)	(1,776,974)	558,959
NET CHANGE IN FUND BALANCES	(485,344)	714,605	1,199,949
FUND BALANCES - BEGINNING	1,566,706	1,665,524	98,818
FUND BALANCES - ENDING	\$ 1,081,362	2,380,129	\$ 1,298,767
RECONCILIATION OF BUDGET TO GAAP			
Investment in capital assets		-	
TOTAL NET POSITION		\$ 2,380,129	

CHERRY CREEK BASIN WATER QUALITY AUTHORITY
 STATEMENT OF REVENUES, EXPENDITURES AND
 CHANGES IN FUND BALANCES - BUDGET AND ACTUAL
 FOR THE SIX MONTHS ENDED JUNE 30, 2023

GENERAL FUND
 SCHEDULE OF EXPENDITURE DETAILS

	Annual Budget	Year to Date Actual	Variance
Watershed management			
General watershed management	\$ 125,000	\$ 37,249	\$ 87,751
Annual report	32,000	23,812	8,188
Data management	45,000	8,069	36,931
Site application review	6,400	771	5,629
Total Watershed management	<u>\$ 208,400</u>	<u>\$ 69,901</u>	<u>\$ 138,499</u>
Monitoring and reporting			
General technical support	\$ 55,000	\$ 28,641	\$ 26,359
Monitoring - Reservoir	36,000	15,493	20,507
Monitoring - Watershed	48,000	29,193	18,807
Data management	56,000	14,541	41,459
Monitoring - Laboratory	120,000	33,353	86,647
Total Monitoring and reporting	<u>\$ 315,000</u>	<u>\$ 121,221</u>	<u>\$ 193,779</u>
Special projects			
Total Special projects	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

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CHERRY CREEK BASIN WATER QUALITY AUTHORITY
STATEMENT OF REVENUES, EXPENDITURES AND
CHANGES IN FUND BALANCES - BUDGET AND ACTUAL
FOR THE SIX MONTHS ENDED JUNE 30, 2023

POLLUTION ABATEMENT FUND

	Annual Budget	Year to Date Actual	Variance
REVENUES			
Interest income	\$ 8,000	\$ 1,346	\$ (6,654)
Other revenue	5,000	-	(5,000)
TOTAL REVENUES	13,000	1,346	(11,654)
EXPENDITURES			
General and Administrative			
Management/administration	396,100	173,076	223,024
Repairs and maintenance	111,200	2,434	108,766
Preservation	100,000	-	100,000
Contingency	185,000	-	185,000
Pollution Reduction Facilities - O&M			
Meteorological station service	3,000	-	3,000
Res Destrat system utilities	65,000	15,533	49,467
Res Destrat service plan	26,400	9,819	16,581
Wetlands Harvesting	108,000	1,075	106,925
PRF weed control	10,000	-	10,000
PRF Restoration	40,000	-	40,000
PRF Routine	10,000	-	10,000
Reservoir Projects			
RDS Rehabilitation	47,700	1,470	46,230
Shoreline Stabilization			
East Shade Shelter	599,000	13,946	585,054
Stream Reclamation			
CC 12-Mile Park	-	18,981	(18,981)
Stream Reclamation: Reservoir to LV Road	200,000	9,554	190,446
Stream reclamation - Piney Creek	63,000	-	63,000
McMurdo Gulch	907,000	-	907,000
CC Dransfeldt Extension	170,000	570,000	(400,000)
Dove Creek: Otero to Chambers	138,000	138,000	-
Happy Canyon: Jordan to Broncos Pkwy	88,000	-	88,000
CC Arapahoe (R 3-4)	605,000	-	605,000
TOTAL EXPENDITURES	3,872,400	953,888	2,918,512
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	(3,859,400)	(952,542)	2,906,858
OTHER FINANCING SOURCES (USES)			
Transfers from General Fund	1,835,933	1,776,974	(58,959)
Transfers from Enterprise Fund	401,400	178,295	(223,105)
Supplemental transfers	500,000	-	(500,000)
TOTAL OTHER FINANCING SOURCES (USES)	2,737,333	1,955,269	(782,064)
NET CHANGE IN FUND BALANCES	(1,122,067)	1,002,727	2,124,794
FUND BALANCES - BEGINNING	1,853,205	2,226,105	372,900
FUND BALANCES - ENDING	\$ 731,138	3,228,832	\$ 2,497,694
RECONCILIATION OF BUDGET TO GAAP			
Investment in capital assets		-	
TOTAL NET POSITION		\$ 3,228,832	

No assurance is provided on these financial statements. Substantially all required disclosures, the government-wide financial statements, and the statement of revenues, expenditures and changes in fund balances – governmental funds have been omitted. 27

SUPPLEMENTARY INFORMATION

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CHERRY CREEK BASIN WATER QUALITY AUTHORITY
SCHEDULE OF REVENUES, EXPENDITURES AND
CHANGES IN FUND BALANCES - BUDGET AND ACTUAL
FOR THE SIX MONTHS ENDED JUNE 30, 2023

ENTERPRISE FUND

	Annual Budget	Year to Date Actual	Variance
REVENUES			
Building permit fees	\$ 250,000	\$ 62,925	\$ (187,075)
Recreation fees	300,000	123,383	(176,617)
Wastewater surcharge	111,000	80,264	(30,736)
Interest income	8,000	30,588	22,588
TOTAL REVENUES	669,000	297,160	(371,840)
EXPENDITURES			
Equipment	65,000	11,144	53,856
Management/administration	21,000	-	21,000
PAPS - Reservoir to 12-Mile Park Study	5,000	32,365	(27,365)
Contingency	15,000	-	15,000
Planning			
CCBWQA Planning	105,000	7,705	97,295
Special Studies/Projects			
BMP Effectiveness	75,000	12,414	62,586
PRF/PAP WQ Benefits	5,000	-	5,000
Special Studies/Projects - Reservoir Nutrient Mitigation	50,000	-	50,000
Special Studies/Projects - Watershed Master Plan	50,000	-	50,000
TOTAL EXPENDITURES	391,000	63,628	327,372
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	278,000	233,532	(44,468)
OTHER FINANCING SOURCES (USES)			
Transfers to Pollution Abatement Fund	(401,400)	(178,295)	223,105
TOTAL OTHER FINANCING SOURCES (USES)	(401,400)	(178,295)	223,105
NET CHANGE IN FUNDS AVAILABLE	(123,400)	55,237	178,637
FUNDS AVAILABLE - BEGINNING	1,215,912	1,922,970	707,058
FUNDS AVAILABLE - ENDING	\$ 1,092,512	1,978,207	\$ 885,695
RECONCILIATION OF BUDGET TO GAAP			
Investment in capital assets		350,000	
TOTAL NET POSITION		\$ 2,328,207	

Cherry Creek Basin Water Quality Authority
Schedule of Cash Position
June 30, 2023
as of August 11, 2023

	General Fund	Pollution Abatement Fund	Enterprise Fund	Total
<u>1st Bank - Checking Account</u>				
Balance as of 06/30/23	\$ 31,714.31	\$ 26,954.61	\$ 5,813.09	\$ 64,482.01
Subsequent activities:				
07/13/23 VISA Charges	(370.75)	-	-	(370.75)
07/18/23 Monthly Transfer for AP	41,000.00	156,000.00	17,000.00	214,000.00
07/25/23 Bill.com Payments	(44,756.18)	(145,687.19)	(16,833.53)	(207,276.90)
07/25/23 Bill.com Refund	-	280.00	-	280.00
07/25/23 Bill.com Payment	-	(280.00)	-	(280.00)
07/25/23 Verizon ACH	(51.46)	-	-	(51.46)
07/27/23 XCEL ACH	-	(10,781.06)	-	(10,781.06)
07/31/23 Interest Income	6.69	-	-	6.69
08/02/23 Get Stream Online VISA	(200.00)	-	-	(200.00)
<i>Anticipated Activities</i>				
<i>Transfer from ColoTrust for bills</i>	97,000.00	64,000.00	8,000.00	169,000.00
<i>Bill.com open claims</i>	(96,929.47)	(53,335.18)	(8,574.25)	(158,838.90)
<i>August XCEL ACH</i>	-	(9,986.37)	-	(9,986.37)
<i>August Verizon ACH</i>	(51.45)	-	-	(51.45)
<i>Anticipated balance</i>	<u>\$ 27,413.14</u>	<u>\$ 27,164.81</u>	<u>\$ 5,405.31</u>	<u>\$ 59,931.81</u>
<u>ColoTrust General - (8001)</u>				
Balance as of 06/30/23	\$ 792,340.07	\$ 3,165,818.02	\$ 1,460,290.93	\$ 5,418,449.02
Subsequent activities:				
07/10/23 Ptax Arapahoe Cty (Jun)	307,887.72	-	-	307,887.72
07/10/23 Ptax Douglas Cty (Jun)	469,808.77	-	-	469,808.77
07/18/23 Monthly Transfer for AP	(41,000.00)	(156,000.00)	(17,000.00)	(214,000.00)
07/31/23 Deposits Dev Checks	-	-	48,659.84	48,659.84
07/31/23 Interest Income	26,575.03	-	-	26,575.03
08/10/23 Ptax Arapahoe Cty (Jul)	15,818.00	-	-	15,818.00
08/10/23 Ptax Douglas Cty (Jul)	26,901.47	-	-	26,901.47
<i>Anticipated Activities</i>				
<i>Development fees deposits to date</i>	-	-	58,037.89	58,037.89
<i>Monthly Transfer for AP</i>	(97,000.00)	(64,000.00)	(8,000.00)	(169,000.00)
<i>Anticipated balance</i>	<u>\$ 1,501,331.06</u>	<u>\$ 2,945,818.02</u>	<u>\$ 1,541,988.66</u>	<u>\$ 5,989,137.74</u>
<u>ColoTrust Pollution Abatement - (8002)</u>				
Balance as of 06/30/23	\$ -	\$ 55,745.02	\$ -	\$ 55,745.02
Subsequent activities:				
07/31/23 Interest Income	-	250.79	-	250.79
<i>Anticipated balance</i>	<u>\$ -</u>	<u>\$ 55,995.81</u>	<u>\$ -</u>	<u>\$ 55,995.81</u>
<u>CSAFE - Savings Account</u>				
Balance as of 06/30/23	\$ 859,161.30	\$ 42,246.04	\$ 386,563.24	\$ 1,287,970.58
Subsequent activities:				
07/31/23 Interest Income	-	-	5,729.24	5,729.24
<i>Anticipated balance</i>	<u>\$ 859,161.30</u>	<u>\$ 42,246.04</u>	<u>\$ 392,292.48</u>	<u>\$ 1,293,699.82</u>
<i>Total funds available as of date above</i>	<u>\$ 2,387,905.50</u>	<u>\$ 3,071,224.68</u>	<u>\$ 1,939,686.45</u>	<u>\$ 7,398,765.18</u>
<u>Effective monthly yield (as of 7/31/2023)</u>				
1st Bank - 0.100%* if Balance >\$20,000				
ColoTrust Plus - 5.2860%				
CSAFE - 5.23%				

No assurance is provided on these financial statements. Substantially all required disclosures, the government-wide financial statements, and the statement of revenues, expenditures and changes in fund balances – governmental funds have been omitted.

CHERRY CREEK BASIN WATER QUALITY AUTHORITY
Property Tax Schedule
2023

SUMMARY - ARAPAHOE & DOUGLAS COUNTIES

	Current Year						Prior Year				
	Property Taxes	Delinquent Tax, Rebates and Abatements	Specific Ownership Taxes	Interest	Treasurer's Fees	Total Amount Received	% of Levied Taxes Received Monthly Y-T-D		Total Amount Received	% of Levied Taxes Received Monthly Y-T-D	
January	\$ 62,046.38	\$ (1,596.34)	\$ 18,274.49	\$ (6.41)	\$ (930.96)	\$ 77,787.16	2.17%	2.17%	\$ 78,661.95	2.57%	2.57%
February	994,145.33	(868.05)	19,003.59	(102.89)	(14,912.38)	997,265.60	35.67%	37.84%	793,756.71	32.53%	35.09%
March	147,779.22	(1,544.11)	20,718.98	(171.96)	(2,217.26)	164,564.87	5.25%	43.09%	250,188.44	9.59%	44.68%
April	495,787.14	1,872.50	17,150.39	16.61	(7,440.62)	507,386.02	17.87%	60.96%	434,564.29	17.39%	62.07%
May	255,587.00	556.63	20,619.48	277.59	(3,835.31)	273,205.39	9.20%	70.16%	188,029.10	7.20%	69.26%
June	770,221.28	(8.61)	18,624.06	419.03	(11,559.27)	777,696.49	27.66%	97.82%	692,136.56	28.03%	97.29%
July	24,155.70	(989.58)	19,441.37	483.60	(371.62)	42,719.47	0.83%	98.65%	44,976.68	1.10%	98.39%
August	-	-	-	-	-	-	0.00%	98.65%	30,159.38	0.53%	98.92%
September	-	-	-	-	-	-	0.00%	98.65%	20,194.41	0.09%	99.01%
October	-	-	-	-	-	-	0.00%	98.65%	20,941.75	0.14%	99.15%
November	-	-	-	-	-	-	0.00%	98.65%	21,479.99	0.18%	99.33%
December	-	-	-	-	-	-	0.00%	98.65%	14,784.83	-0.03%	99.30%
TOTAL	\$ 2,749,722.05	\$ (2,577.56)	\$133,832.36	\$ 915.57	\$ (41,267.42)	\$ 2,840,625.00	98.65%	98.65%	\$2,589,874.09	99.30%	99.30%

Taxes Levied	% of Levied	Property Taxes Collected	% Collected to Amount Levied
\$ 1,180,612	42.40%	\$ 1,162,745	98.49%
1,604,073	57.60%	1,584,399	98.77%
\$ 2,784,685	100.00%	\$ 2,747,144	98.65%

Specific Ownership Tax

General Fund	\$ 215,204	100.00%	\$ 133,832	62.19%
	\$ 215,204	100.00%	\$ 133,832	62.19%

Treasurer's Fees

General Fund	\$ 39,900	100.00%	\$ 41,267	103.43%
	\$ 39,900	100.00%	\$ 41,267	103.43%

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Arapahoe County

	Current Year						Prior Year				
	Property Taxes	Delinquent Tax, Rebates and Abatements	Specific Ownership Taxes	Interest	Treasurer's Fees	Total Amount Received	% of Levied Taxes Received		Total Amount Received	% of Levied Taxes Received	
							Monthly	Y-T-D		Monthly	Y-T-D
January	\$ 15,643.83	\$ 7.23	\$ 5,951.82	\$ 0.75	\$ (234.67)	\$ 21,368.96	1.33%	1.33%	\$ 21,216.70	1.37%	1.37%
February	392,316.02	78.99	6,027.77	2.83	(5,884.76)	392,540.85	33.24%	34.56%	365,698.68	31.73%	33.10%
March	86,699.88	(6.55)	7,565.78	11.79	(1,300.74)	92,970.16	7.34%	41.91%	120,405.92	10.06%	43.16%
April	216,332.46	1,882.40	6,077.26	7.64	(3,273.44)	221,026.32	18.48%	60.39%	213,543.13	18.20%	61.36%
May	134,442.34	(1.39)	6,842.09	82.42	(2,016.48)	139,348.98	11.39%	71.78%	111,488.62	9.37%	70.73%
June	306,002.76	(0.23)	6,282.17	195.77	(4,592.75)	307,887.72	25.92%	97.69%	299,159.29	25.91%	96.65%
July	9,347.54	(0.02)	6,362.08	252.38	(143.98)	15,818.00	0.79%	98.49%	19,678.38	1.21%	97.86%
August						-	0.00%	98.49%	13,863.22	0.55%	98.41%
September						-	0.00%	98.49%	6,045.68	-0.01%	98.40%
October						-	0.00%	98.49%	7,202.97	0.11%	98.50%
November						-	0.00%	98.49%	10,019.97	0.28%	98.79%
December						-	0.00%	98.49%	5,493.46	0.01%	98.80%
	\$ 1,160,784.83	\$ 1,960.43	\$ 45,108.97	\$ 553.58	\$ (17,446.82)	\$ 1,190,960.99	98.49%	98.49%	\$1,193,816.02	98.80%	98.80%

Douglas County

	Current Year						Prior Year				
	Property Taxes	Delinquent Tax, Rebates and Abatements	Specific Ownership Taxes	Interest	Treasurer's Fees	Total Amount Received	% of Levied Taxes Received		Total Amount Received	% of Levied Taxes Received	
							Monthly	Y-T-D		Monthly	Y-T-D
January	\$ 46,402.55	\$ (1,603.57)	\$ 12,322.67	\$ (7.16)	\$ (696.29)	\$ 56,418.20	2.79%	2.79%	\$ 31,105.39	1.35%	1.35%
February	601,829.31	(947.04)	12,975.82	(105.72)	(9,027.62)	604,724.75	37.46%	40.25%	548,447.09	36.18%	37.53%
March	61,079.34	(1,537.56)	13,153.20	(183.75)	(916.52)	71,594.71	3.71%	43.96%	102,955.99	6.14%	43.67%
April	279,454.68	(9.90)	11,073.13	8.97	(4,167.18)	286,359.70	17.42%	61.39%	276,335.15	17.76%	61.42%
May	121,144.66	558.02	13,777.39	195.17	(1,818.83)	133,856.41	7.59%	68.97%	131,324.47	8.01%	69.44%
June	464,218.52	(8.38)	12,341.89	223.26	(6,966.52)	469,808.77	28.94%	97.91%	430,819.22	28.22%	97.65%
July	14,808.16	(989.56)	13,079.29	231.22	(227.64)	26,901.47	0.86%	98.77%	34,945.49	1.54%	99.20%
August						-	0.00%	98.77%	21,490.75	0.43%	99.63%
September						-	0.00%	98.77%	12,591.42	0.10%	99.73%
October						-	0.00%	98.77%	12,142.31	0.05%	99.78%
November						-	0.00%	98.77%	12,302.77	0.09%	99.87%
December						-	0.00%	98.77%	9,631.95	-0.01%	99.86%
	\$ 1,588,937.22	\$ (4,537.99)	\$ 88,723.39	\$ 361.99	\$ (23,820.60)	\$ 1,649,664.01	98.77%	98.77%	\$1,624,092.00	99.86%	99.86%

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**CHERRY CREEK BASIN WATER QUALITY AUTHORITY
2023 BUDGET
SUMMARY OF SIGNIFICANT ASSUMPTIONS**

Services Provided

Cherry Creek Basin Water Quality Authority (the Authority) is a quasi-municipal corporation and political sub-division of the State of Colorado. Formed on June 16, 1988, the Authority was created by Colorado HB1029 to monitor the water quality in the Cherry Creek Basin and to construct facilities to control the accumulation of pollutants.

The District has no employees, and some operations and administrative functions are contracted.

The District prepares its budget on the modified accrual basis of accounting in accordance with the requirements of Colorado Revised Statutes C.R.S. 29-1-105 using its best estimates as of the date of the budget hearing. These estimates are based on expected conditions and its expected course of actions. The assumptions disclosed herein are those that the Authority believes are significant to the budget. There will usually be differences between the budget and actual results because events and circumstances frequently do not occur as expected, and those differences may be material. For financial statement reporting under generally accepted accounting principles (GAAP), the Authority uses the full accrual basis of difference from GAAP accounting for Fund Balance. Funds Available represents each fund's current assets less its current liabilities except for the current portion of long-term debt. In addition, the budget separates individual funds which are included as one entity in the GAAP presentation.

Colorado Revised Statute 25-8.5-111(3), as amended by Senate Bill 01-066 in 2001, states that the Authority must spend a minimum of 60% of revenues (collected from fees, tolls, and property tax) on the construction and maintenance of pollution abatement projects in the Cherry Creek Basin or on payments due on debt incurred entirely for such projects. The minimum pollution abatement expenditure requirement is not restricted by fund but is applied to the Authority as a whole.

Revenues

Property Taxes

The primary source of revenue is property taxes. Property taxes are levied by the Authority's Board of Directors. The levy is based on assessed valuations determined by the County Assessor generally as of January 1 of each year. The levy is normally set by December 15 by certification to the County Commissioners to put the tax lien on the individual properties as of January 1 of the following year. The County Treasurer collects the determined taxes during the ensuing calendar year. The taxes are payable by April or, if in equal installments, at the taxpayer's election, in February and June. Delinquent taxpayers are notified in August and generally sales of the tax liens on delinquent properties are held in November or December. The County Treasurer remits the taxes collected monthly to the Authority.

The calculation of the taxes levied is displayed on the Property Tax Summary Information page of the budget.

Senate Bill 21-293 among other things, designates multi-family residential real property (defined generally, as property that is a multi-structure of four or more units) as a new subclass of residential real property. For tax collection year 2023, the assessment rate for single family residential property decreases to 6.95% from 7.15%. The rate for multifamily residential property, the newly created subclass, decreases to 6.80% from 7.15%. Agricultural and renewable energy production property decreases to 26.4% from 29.0%. Producing oil and gas remains at 87.5%. All other nonresidential property stays at 29%.

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**CHERRY CREEK BASIN WATER QUALITY AUTHORITY
2023 BUDGET
SUMMARY OF SIGNIFICANT ASSUMPTIONS**

Revenues - (continued)

Specific Ownership Taxes

Specific ownership taxes are set by the State and collected by the County Treasurer, primarily on vehicle licensing within the County as a whole. The specific ownership taxes are allocated by the County Treasurer to all taxing entities within the County. The budget assumes that the Authority's share will be equal to approximately 7% of the property taxes collected from Arapahoe County and 8% of the property taxes from Douglas County.

Net Investment Income

Interest earned on the Authority's available funds has been estimated based on historical interest earnings.

Fees

The Authority receives recreation fees from the State of Colorado. These fees are a portion of the entry fees to Cherry Creek State Park. The fees are remitted to the Authority on a monthly basis.

The Authority receives building permit fees from various governmental entities that reside within the Authority's borders. These fees are typically remitted on a quarterly basis.

The Authority receives wastewater surcharges from the surrounding water and sanitation districts that operate wastewater treatment facilities and discharge into the Cherry Creek Basin. These surcharges are remitted to the Authority on a quarterly basis by each District.

Expenditures

Administrative and Operating Expenditures

Operating expenditures include the estimated services necessary to maintain the Authority administrative viability such as legal, management, accounting, insurance, banking, meeting expense and other administrative expenses. Estimated expenditures related to water quality management were also included in the General Fund budget.

County Treasurer's Fees

County Treasurer's fees have been computed at 1.50% of property tax collections.

Capital Projects

Anticipated expenditures for capital projects are detailed on the Pollution Abatement Fund page of the budget.

**CHERRY CREEK BASIN WATER QUALITY AUTHORITY
2023 BUDGET
SUMMARY OF SIGNIFICANT ASSUMPTIONS**

Debt and Leases

The Authority has no bond indebtedness or any operating or capital leases.

Reserves

Emergency Reserve

The Authority has provided for an Emergency Reserve equal to at least 3% of fiscal year spending as defined under the TABOR Amendment.

Reservoir Destratification Service Plan Reserve

The Authority has provided for a reservoir destratification service plan reserve of \$43,372 for use in subsequent year destratification service plan expenditures.

Facilities Maintenance Reserve

The Authority has provided for a facilities maintenance reserve of \$100,000 for use in subsequent year capital maintenance projects.

Capital Reserve

The Authority has provided for a total capital reserve of \$750,000 for use in subsequent year capital replacement projects.

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CHERRY CREEK BASIN WATER QUALITY AUTHORITY
2023 Capital Project Status Report
August 11, 2023

RESERVOIR PROJECTS

1. East Shade Shelters Phase III and Tower Loop Phase II Shoreline Stabilization (CCB-17.5 and CCB-17.7)
 - a. Description: These projects were identified in 2014 through the annual inspection. The Tower Loop Phase II connects to the Phase I project and extends shoreline protection 570 feet to the southeast towards Dixon Grove. The East Shade Shelters Phase III starts on the north end of the Shade Structure and goes 400-feet to the south.
 - b. Status: Consultant selection is scheduled for the 1st quarter. A consultant selection committee will be set in February (1/29/21). At the February TAC meeting Jason Trujillo, Jon Erickson, Lanae Raymond, Bill Ruzzo were interested in serving on the consultant selection committee (2/11/21). This selection committee was discussed at the 3/18/21 Board Meeting, and no further members were added. The Request for Proposals (RFP) has been posted on BidNet and Proposals are due 04/21/21 (3/25/21). The pre-proposal meeting was held on 4/7/21. 5 proposals were received on 4/28/21; the selection committee is reviewing them. Interviews were held and a selection is being brought to the May Board meeting (5/14/21). Board authorized negotiations with RESPEC (5/27/21). Agreement has been executed with RESPEC (10/15/21). Field Survey of project areas and topographic mapping is underway (12/30/21). A design kickoff meeting was held on 4/22/22. A design sprint workshop was held on 7/12/22 which included a site visit and evaluation of alternatives. RESPEC is developing a recommended alternative (9/8/22). RESPEC provided updated project costs for budgeting (10/13/22). The 30% submittal was received on 11/16/22 and is under review. CCBWQA provided comments on 30% review on 1/17/23; a value engineering effort is recommended as the project costs exceed the budget. The value engineering meeting was held on 2/24/23. RESPEC's request for additional services was approved by TAC and Board in May (5/25/23). *The reservoir water level has come down since the May and June storms and additional erosion was observed on 7/14/23; a site visit was made with RESPEC on 8/1/23 and the erosion areas at East Shade Shelters were measured.*

STREAM RECLAMATION PROJECTS

1. Cherry Creek Stream Reclamation at Arapahoe Road aka Reaches 3 and 4 (CCB-5.14C)
 - a. Description: This project continues the work on Cherry Creek by CCBWQA, MHFD, and local partners. It ties into the previous stream reclamation projects of Cherry Creek Eco Park to Soccer Fields (CCB-5.14A) and Cherry Creek at Valley Country Club (CCB-5.14B). The 5,167 Linear Feet of stream reclamation reduces bed and bank erosion immobilizing approximately 88 pounds of phosphorus annually. The project is anticipated to be funded over several years and likely be broken into phases.
 - b. Status: In 2021, an IGA was executed between CCBWQA, MHFD, City of Aurora, and SEMSWA to begin this work. IGA Amendment that brings in 2022 funding is under review (5/13/22). Board authorized IGA Amendment for 2022 funding on 7/21/22 (8/12/22). IGA Amendment has been revised to show Aurora's lower participation; CCBWQA's participation was lowered accordingly to meet 25% partner project level; revised IGA Amendment received TAC recommendation and is being taken to Board for their consideration in October (10/13/22). Board authorized the IGA Amendment for 2022 funding at their 10/22/22 meeting. It appears that CCBWQA's 2023 participation will be reduced as a result of less partner funding available for this project (2/24/23). The IGA Amendment that brings in 2023 funding was recommended by the TAC and authorized by the Board at their June meetings (6/29/23).
2. Cherry Creek Stream Reclamation – Upstream of Scott Road (CCB-5.17)

- a. Description: Design and construction of stream reclamation is in partnership with Douglas County and MHFD. It improves 4,100 feet of Cherry Creek and is located upstream of Scott Road.
 - b. Status: IGA was approved by the Board at their April 2020 meeting. Muller had been selected as consultant, and design scope of work is being prepared. Kickoff meeting was held on 12/11/20; a follow-up field visit will be scheduled for early 2021. Site visit was held on 1/29/21. Conceptual design is complete, negotiations are underway to contract for 60% design (4/8/21). Muller is working on alternatives (4/30/21). Muller is working on preliminary design and an IGA Amendment to bring in additional 2021 funding from Douglas County is being brought to the Board in October (10/15/21); IGA Amendment has been executed (11/11/21). Muller is preparing 60% Design Submittal (1/28/22). Muller submitted 60% Design on 2/2/22; comments have been provided on 60% Design Submittal (3/10/22). IGA Amendment bringing in 2022 funding is scheduled for TAC and Board consideration in June (5/27/22). IGA Amendment was authorized at the June 16th Board Meeting (6/30/22). Muller is working on Final Design and held a progress meeting on 4/14/23, a site visit is being scheduled to support the 90% design submittal. The 90% site visit was held on 5/22/23.
3. Cherry Creek Stream Reclamation at Dransfeldt (CCB-5.17.1B)
- a. Description: Design and construction of stream reclamation is in partnership with Town of Parker and MHFD. It improves 2,400 feet of Cherry Creek near the future location of Dransfeldt bridge which is just downstream of the Cherry Creek at KOA project.
 - b. Status: Initial scoping has begun, and a partners meeting was held on 1/30/21. IGA is scheduled for CCBWQA's May TAC and Board meetings (4/30/21). IGA was approved by all parties and has been executed (6/25/21). Muller Engineering has submitted their Draft Scope of Work for Design Services, and the project sponsors have reviewed it (7/8/21). Design kickoff meeting was held on 10/14/21. Alternatives are being evaluated (12/9/21). Pre-submittal meeting for the 404 permit is being scheduled (12/30/21). CLOMR is being prepared for project (3/10/22) and was submitted to FEMA on 3/31/22. CEI was selected for as project partner to provide contractor input during the design (5/27/22). CLOMR is under review by FEMA (8/12/22). Muller has received comments on CLOMR and is preparing responses; 90% Submittal is scheduled for early February (1/27/23). Comments on 90% Submittal were provided on 2/22/23; project is experiencing substantive cost increases due to current market conditions (2/24/23). TAC at their 3/2/23 meeting recommended that the Board authorized the IGA Amendment to bring in 2023 funding along with an increase in CCBWQA's 2023 funding from \$170,000 to \$570,000. The Board authorized the IGA Amendment with the increased 2023 funding of \$570,000 at their 3/16/23 meeting. The Conditional Letter of Map Revision (CLOMR) was issued by the Federal Emergency Management Agency (FEMA) on April 28, 2023 (5/12/23). The sanitary sewer relocation will be contracted to start with, in order to avoid a pipe material cost increase, and to get it out of the way for the forthcoming stream reclamation (7/13/23). *The sanitary sewer relocation has been contracted for with Concrete Express Inc. or CEI (8/11/23).*
4. McMurdo Gulch Priority 3 Stream Reclamation (CCB-7.2)
- a. Description: The design and construction of stream reclamation is in partnership with Castle Rock. Castle Rock is the lead agency. This phase continues the work from the previous phase. Muller Engineering is the design consultant.
 - b. Status: Board authorized IGA for Priority 3 at their May 19,2022 meeting. Muller submitted their 30% deliverable on 10/31/22, review comments were returned on 11/8/22. Easements needed for projects have been identified (1/23/22). The 60% Submittal was received on 1/30/23 and comments have been provided on 2/7/23. Muller is working on updating their construction cost estimate (2/8/23). On 2/23/23, Castle Rock requested that CCBWQA's 2023 funding be deferred to 2024 to match their schedule.
5. Lone Tree Creek in Cherry Creek State Park (CCB-21.1)
- a. Description: This project includes a trail connection to Cherry Creek State Park and includes 570 linear feet of stream reclamation on Lone Tree Creek from the State Park Boundary to

the Windmill Creek Loop Trail. The City of Centennial is the project lead. CCBWQA participation is for stream reclamation only.

- b. Status: 95% submittal is under review (5/13/22); review comments have been returned (5/27/22). Project funding was brought to TAC at their 7/7/22 meeting, during drafting of IGA it was discovered that future maintenance of stream reclamation should be considered, project will be brought back to TAC at an upcoming meeting for maintenance discussion and recommendation (8/12/22). A stakeholder meeting was held on 9/29/22 to discuss maintenance. A stakeholder meeting was held on 11/2/22 to discuss findings from CCBWQA's site visit and findings included in Wright Water Engineers report. The Board supports CCBWQA's partnering with Centennial at their 11/17/22 meeting. A Memo of Understanding is under review by Colorado Parks and Wildlife (CPW) affirming maintenance responsibilities for the stream reclamation fit under the current agreement between CCBWQA and CPW (3/30/23). CCBWQA sent the Draft IGA to Centennial for review on 5/23/23.
6. Happy Canyon Creek – County Line to Confluence with Cherry Creek (aka Jordan Road, CCB-22.1)
- a. Description: The design and construction are in partnership with Southeast Metro Stormwater Authority and MHFD and includes 2,500 feet of stream reclamation. The Authority's water quality component share for design and construction is estimated to be \$325,000. The total project cost is estimated at \$1,300,000.
 - b. Status: IGA is scheduled for June TAC and Board meetings (5/27/21). IGA has been approved and executed by all parties (7/29/21). Jacobs has been selected as design consultant and project scoping is underway; limits have been extended upstream to the County Line and sediment capture area and transport will be included with the project (10/15/21). Jacobs has submitted their scope of work and fee for design which is under review by project sponsors (11/11/21). Project sponsors have completed a review of Jacobs' fee and scope of work and the agreement is being routed for signatures (1/28/22). IGA Amendment to bring in 2022 funding is in process (3/10/22). A project kickoff meeting was held on 3/28/2022. A site visit was performed on 4/12/22 to document existing conditions and identify sediment source/transport/deposition areas. Project Team is preparing a sampling plan for bank and bed materials to determine phosphorous content (5/13/22). The project team met on 5/24/22 to discuss project goals and Jacobs is progressing through the study. Jacobs and ERC are working on sediment transport analysis and model (6/30/22). The results from the sediment transport model were presented at the 8/23/22 progress meeting and an upstream sediment capture area just south of the JWPP was included in the alternatives analysis (8/26/22). The alternative analysis report is expected to be completed before the end of 2022 (10/13/22). Lab results from stream soil samples were sent to Jacobs so that they include phosphorus reduction in the alternatives analysis report; a groundwater investigation is needed to inform sediment capture facility and stream reclamation alternatives, scoping and negotiations are in progress (11/11/22). Groundwater scope of work has been reviewed and approved by project sponsors (1/13/23). The IGA Amendment bringing in the 2023 funding was recommended by TAC and authorized by the Board in April (5/12/23).
7. Happy Canyon Creek - Upstream of I-25 (CCB-22.2)
- a. Description: The design and construction are in partnership with Douglas County, City of Lone Tree, and MHFD and includes 2,500 feet of stream reclamation. The Authority's water quality component share for design and construction is estimated to be \$500,000. The total project cost is estimated at \$2,000,000.
 - b. Status: Douglas County, City of Lone Tree, and MHFD have initially funded and selected Muller Engineering as the design engineer. Design has started and a progress meeting was held on 1/27/21. Design is progressing (2/11/21). Muller has submitted 60% Design Deliverables (5/27/21). IGA for 2021 Funding is being brought to Board in September (9/9/21). 2021 IGA Amendment has been executed (11/11/21). Coordination with CDOT and easement acquisitions are on-going (1/13/22). Board authorized 2022 funding and IGA Amendment at their June 16th meeting (6/30/22). The project received environmental clearance from CDOT (8/12/22). The 90% design submittal is scheduled for delivery by end

of September (8/26/22). The 90% design submittal is being reviewed (10/13/22). Comments were provided on 90% submittal (11/11/22). Muller completed the 100% design submittal on 11/22/22. CDOT permit was issued, and pre-construction meeting was held on 1/10/23; construction start is scheduled for 1/30/23 pending execution of easement documents from Surrey Ridge which has agreed to terms and easement language. Notice to Proceed on construction is pending execution of easement documents (1/27/23). Easements have been signed by property owners and Notice to Proceed has been issued to Naranjo Civil Constructors (2/8/23). Construction is underway with initial construction BMPs/stormwater controls in place; water diversion and control is being set up for the downstream section of the project (3/10/23). Water control is in place and construction of stream reclamation is underway for downstream sections of the project (3/30/23). Riffle and Boulder Cascade drop structures on downstream third of project are nearing completion (4/13/23). Construction is underway in the middle third of the project; efforts consist of stream grading and installation of Riffle and Boulder Cascade drop structures (5/12/23). The storm damage from May 11 to 13, 2023 event is being identified and repaired (5/25/23). Construction on the middle third is substantially complete and work has begun on the upstream third (7/27/23).

8. Dove Creek - Otero to Chambers Rd. (CCB-23.1)

- a. Description: The design and construction are in partnership with Southeast Metro Stormwater Authority (SEMSWA) and with Mile High Flood District (MHFD) being a key stakeholder; it includes 1,300 feet of stream reclamation. The Authority's water quality component share for design and construction is estimated to be \$175,000. The total project cost is estimated at \$700,000.
- b. Status: SEMSWA is drafting the Intergovernmental Agreement to bring in the 2021 funding for the project (3/12/21). RESPEC is the design consultant; two conceptual design alternatives have been prepared and reviewed during meeting on 3/15/21. IGA is scheduled for CCBWQA's May TAC and Board meetings (4/30/21). IGA has been approved and executed by all parties (7/29/21). 30% Design Review Meeting was held on 8/23/21. A Progress meeting is scheduled for 2/26/22 with 60% Plan submittal expected to follow (1/28/22). The 60% Design was submitted on 2/16/2022, comments were provided, and a design review meeting was held on 2/23/2022. IGA Amendment to bring in 2022 funding is in process (3/10/22). Construction costs were prepared by CEI based on 60% submittal (5/13/22). A design progress meeting was held 6/14/22 and 90% design submittal is being prepared (6/30/22). 90% design submittal is expected by the end of July (7/15/22). The 90% design submittal was reviewed, and comments were submitted on 8/22/22. *Construction is anticipated in 2023 (10/13/22)*. A progress meeting was held on 11/8/22, project will likely be done in 2 phases, IGA Amendment will be needed early in 2023 so that construction can start ahead of storm season. Dove Creek IGA for construction of Phase 1 is scheduled for TAC and Board in January 2023, construction is expected to start shortly afterwards (12/30/22). Construction is scheduled to start mid-February; construction agreement and engineering construction services amendment are currently being reviewed (1/27/23). Construction and engineering construction services have been finalized and a preconstruction meeting was held on 2/2/23. Notice to Proceed has been issued to Concrete Express; construction is underway with initial construction BMPs/stormwater controls in place (3/10/23). Water control is in place and construction of stream reclamation is on-going (3/30/23). Step pool drop structures have been constructed and work on soil wraps is underway (4/13/23). Low-flow or bank full channel work (soil wraps and erosion control blanket) and step-pool structures are complete, water diversion has been removed, and is active to storm flows; work continues in upland areas and higher elevations of stream reclamation (5/12/23). Storm damage from May 11 to 13, 2023 event is being repaired (5/25/23). Construction punch list is being completed (6/29/23). Construction is complete (7/27/23).

9. Piney Creek from Fraser Street to Confluence with Cherry Creek aka Reaches 1 and 2 (CCB-21.1)

- a. Description: This project includes 2900 liner feet of stream reclamation on Piney Creek. The project partners are SEMSWA and CCBWQA.

- b. Status: Project coordination meeting was held with SEMSWA on 6/29/22. IGA drafted and is being reviewed by SEMSWA (8/12/22). IGA was approved by CCBWQA at the 9/15/22 Board meeting. IGA Amendment to bring in 2023 funding was recommended by the TAC and authorized by the Board in May (5/25/23). CCBWQA sent the Draft IGA Amendment to SEMSWA for review on 6/29/23. *SEMSWA has no comments on the IGA Amendment and plans to take it to their Board in October (8/11/23).*
- 10. Mountain and Lake Loop Shoreline Stabilization Phase II (OM 4.6)
 - a. Description: This project was identified in through the 2020 annual inspection and design and permitting started in 2021. It adds about 40 feet of shoreline protection where it has eroded leaving a 1-2 foot tall vertical bank.
 - b. Status: Construction Plans have been prepared and the GESC was submitted to Arapahoe County for review (1/13/22). Plans are being reviewed by US Army Corps of Engineers for 408 clearance (5/13/22).
- 11. Cherry Creek from Reservoir to Lake View Drive (OM 4.6)
 - a. Description: This project is in follow up to CCBWQA's study of Cherry and Piney Creeks in Cherry Creek State Park (CCSP). Muller completed two reports on Cherry Creek from Reservoir to State Park Boundary, Stream and Water Quality Assessment and Baseline Channel Monitoring Report, in 2022. These reports highlight the need for this project.
 - b. Status: A workshop is scheduled for the 3/16/23, to seek CCBWQA Board and TAC input on this project and Cherry and Piney Creeks in CCSP (3/10/23). *The follow up from workshop is underway – project overview and funding flyer has been created*, Muller is scoping the next step of design for Reach 1 and providing a fee, and multi-pronged approach is in development for workshop priority reaches that prioritizes Reach 1 and reduces risk from upstream reaches; these items will be brought to TAC and Board for discussion, direction, and/or action at upcoming meetings (3/30/23). A site visit for partner outreach and funding was held on 5/25/23 at 1-4 pm (6/8/23). A coordination meeting was held with Aurora on 6/23/23 and they showed interest in partnering on the project to protect their water lines. The Mile High Flood District has provided their budget/CIP schedule and Arapahoe County Open Space has been contacted to investigate potential partnering opportunities (7/13/23). *The TAC created a subcommittee for this project on 8/3/23; which will attend progress meetings, provide timely feedback to Muller, and to coordinate with TAC as-needed.*



Task Memorandum

Task: RDS Operations Report

Date: 7/26/23

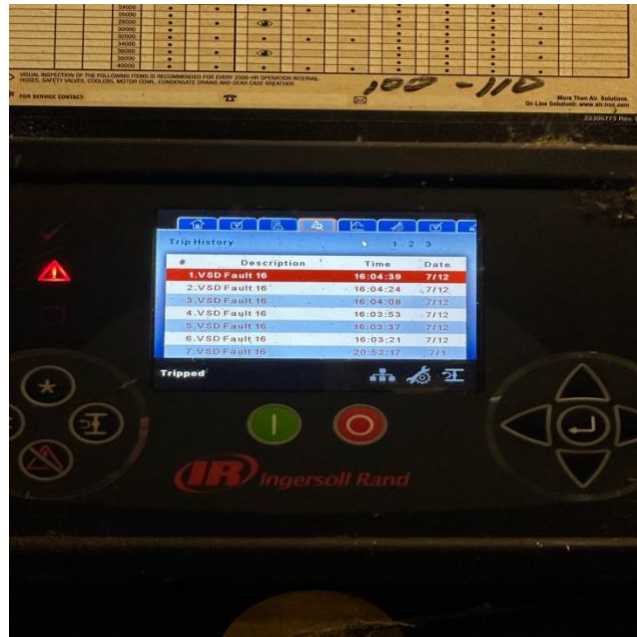
To: Board an TAC

By: Ricardo Gonçalves, PE

On 7/13/23 at 8:15 am I performed a visual inspection of the diffuser pattern on the reservoir and found that was no pattern, meaning that no air was getting to the reservoir. I then made an inspection of the compressor and found it was off, with a fault indication reading "VSD Fault 16" at 4:18 pm, 7/12/23. I immediately called Jeff Handley, who talked me through a restart. The compressor started immediately with no issue. Jeff said the fault had been a voltage drop, probably from local area heavy air conditioning usage, as it was very hot that day. I asked Jeff why I had not received an alarm that the compressor had shut off, and why his crew hadn't. He said he didn't know but would check into it.

Jeff got back to me later, and said that IR had gotten a "Fault" notice, but it had come in by email after his crews had quit for the day. He said he saw that he had gotten it right after he got off the phone with me. We both monitored the compressor operation the rest of the weekend and the next week. He noted that the clock on the unit was off-time by 2 hours and reset it. Everything on the compressor checked out well.

On the Monday, July 24, Jeff and I talked and got me completely set up on the RMS system, so I would get shutdown and alarm alerts 24/7 in the future.



The compressor screens as I found them on July 13th.



Compressor operating perfectly on a July 19th checkup



Rick Goncal...

HOME COMPRESSED AIR EQUIPMENT SETTINGS

Asset MOX1002352

+ Follow Edit Nickname New Service Request

Account	Siebel ID	Install Date	Contact	District	Status
Cherry Creek Reservoir	1-85HPJMR	4/30/2021		Rocky Mountain	Active

Details Real-Time Data Service Activities Helix Alarm Alerts Notification Subscriptions Related Records

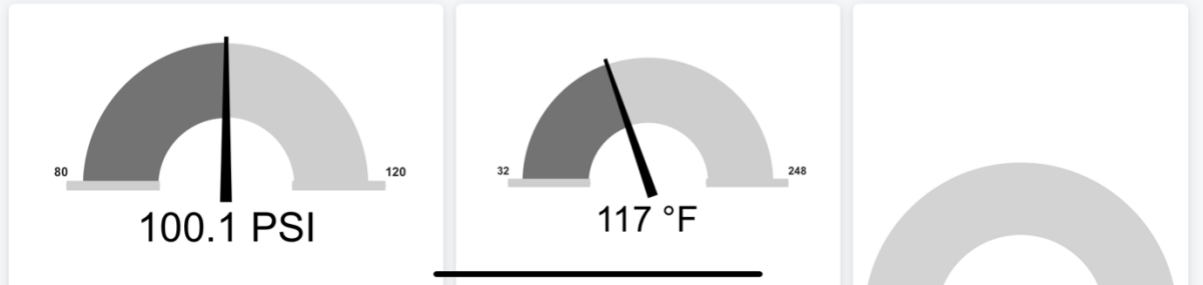
> Real-time Data Unit Preferences

Asset Dashboard

just now

Machine Parameters

Running Hours



Screen-shot of compressor real-time status on July 26 at 4:30

MEMORANDUM

Date:	August 7, 2023
To:	Cherry Creek Basin Water Quality Authority Board of Directors Jane Clary, CCBWQA Technical Manager
From:	Erin Stewart, LRE Water
Subject:	Water Quality Update – August 2023

CCBWQA Data Portal Water Quality Update Page Link - <http://ccbwwportal.org/wq-update/chlorophyll-a>

- Navigate to Chl- α , CCR Inflow Concentrations and Comparison, Field Depth Profile, Nutrients Depth Profile

The Water Quality Update pages provide a brief visual of the data collected during the current water year (WY 2023 - October 2022 through September 2023) with the data from previous years available as a reference. This memo provides a brief description of the highlights from the most recent monitoring data available on the data portal.

CCR Inflow Phosphorus and Nitrogen Concentrations and Comparison to Prior 5-Year Average

Site		Cherry Creek @ CC-10		Cottonwood Creek @ CT-2	
Month	Flow	Total Phosphorus ($\mu\text{g/L}$)	Total Nitrogen ($\mu\text{g/L}$)	Total Phosphorus ($\mu\text{g/L}$)	Total Nitrogen ($\mu\text{g/L}$)
May	Base	194 (229)	768 (1,359)	44 (68)	1,190 (1,332)
May	Storm	602 (309)	2,980 (1,439)	102 (63)	3,180 (1,659)
June	Base	245 (241)	1,480 (963)	86 (59)	1,510 (876)
June	Storm	606 (425)	1,715 (1,827)	84 (63)	1,106 (1,659)

* 5-year mean concentration values are shown in parentheses for reference. Values in green or red are respectively lower or higher than the 2018-2022 5-year mean.

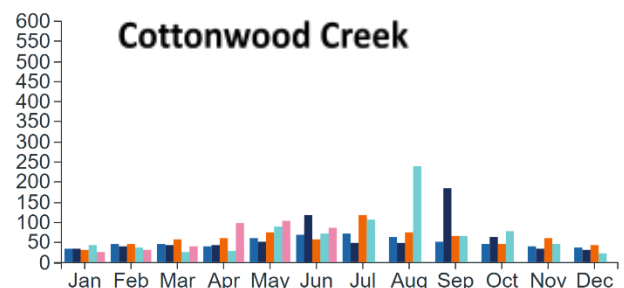
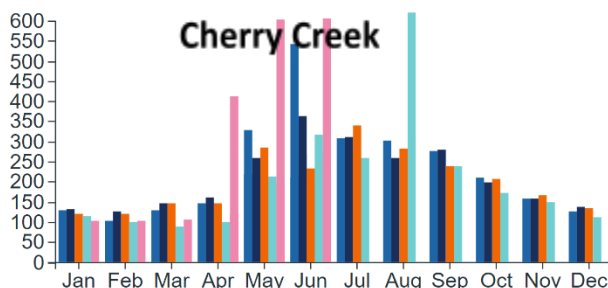
The averages of the base flow and storm flow concentrations are calculated monthly. Although the values do not represent flow-weighted concentrations, the simple averages are included to compare long-term monthly average concentrations. The graphs below represent the average monthly inflow concentrations in comparison to historical conditions. The elevated nutrient concentrations of the samples collected during the May and June storm events are evident. Both the phosphorus and nitrogen concentrations were higher than the 5-year mean concentrations in May although only the phosphorus was higher than the 5-year mean in the June storms.

Total Phosphorous ($\mu\text{g/l}$)

● 2015 ● 2016 ● 2017 ● 2018 ● 2019 ● 2020 ● 2021 ● 2022 ● 2023

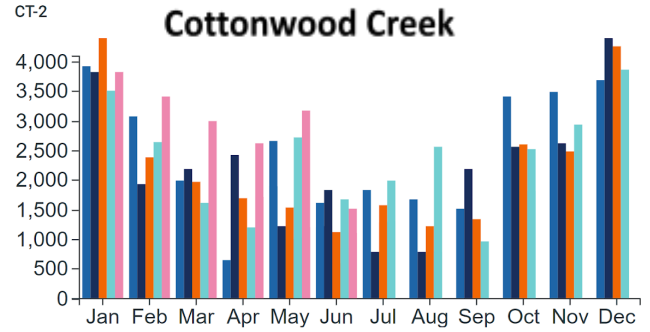
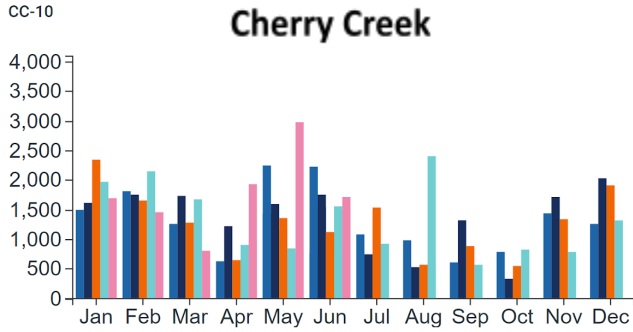
CC-10

CT-2



Total Nitrogen (ug/l)

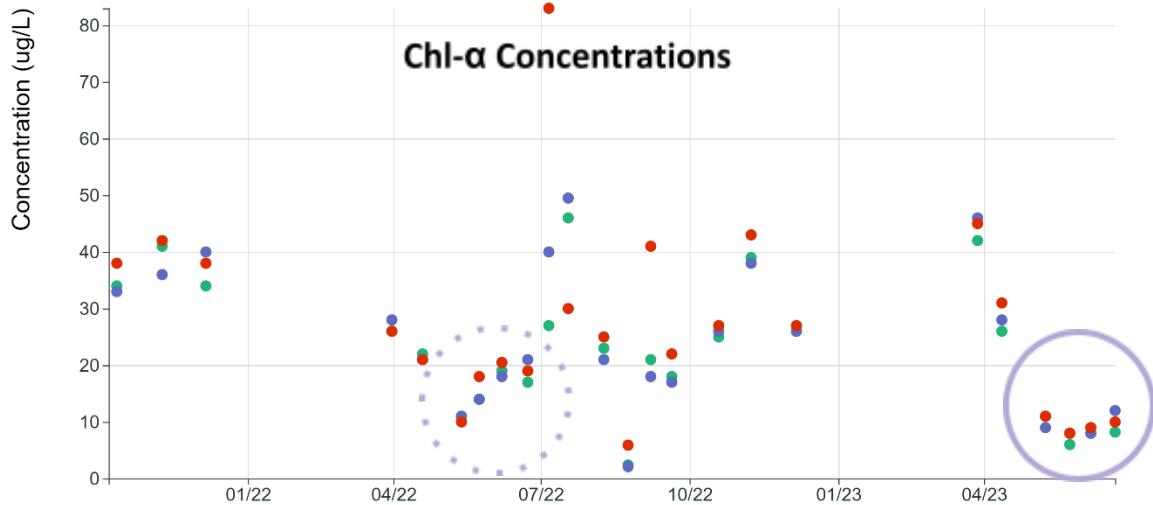
● 2015 ● 2016 ● 2017 ● 2018 ● 2019 ● 2020 ● 2021 ● 2022 ● 2023



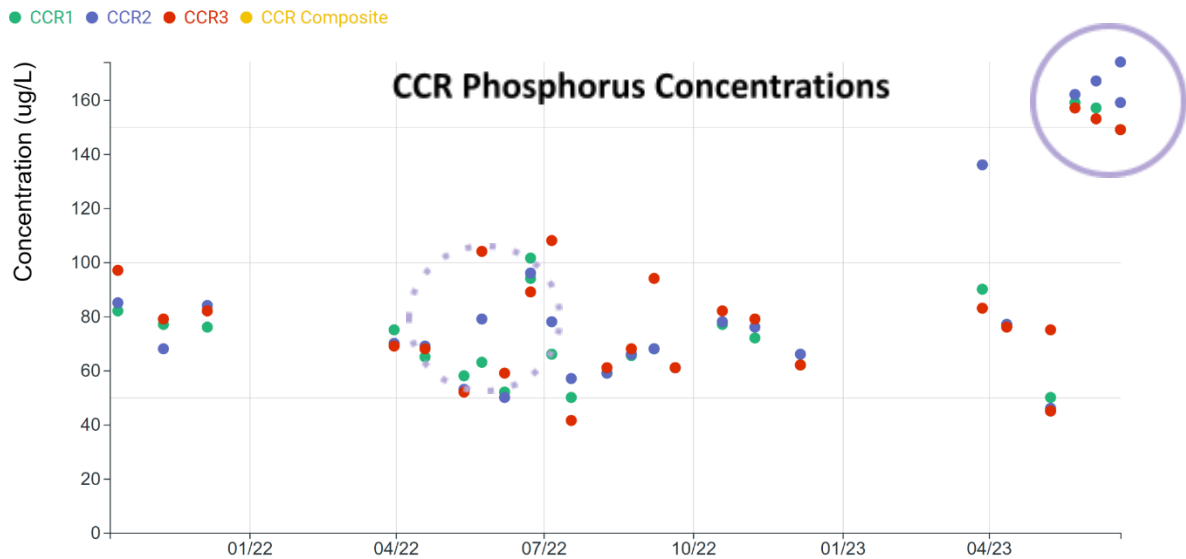
Chl-α

Cherry Creek Reservoir has a chlorophyll-α seasonal standard of 18.0 µg/L which is based on the mean concentrations between the months of July and September. The chlorophyll-α µ concentration averaged 8.5 µg/L in May, 8.3 µg/L in early June and 10.4 µg/L later in the month. The 2023 concentrations are lower than those normally observed this time of year. The chl- α concentrations for early July were 13.8ug/L (not displayed) but are expected to be higher later in July based on observed conditions.

● CCR1 ● CCR2 ● CCR3 ● CCR Composite

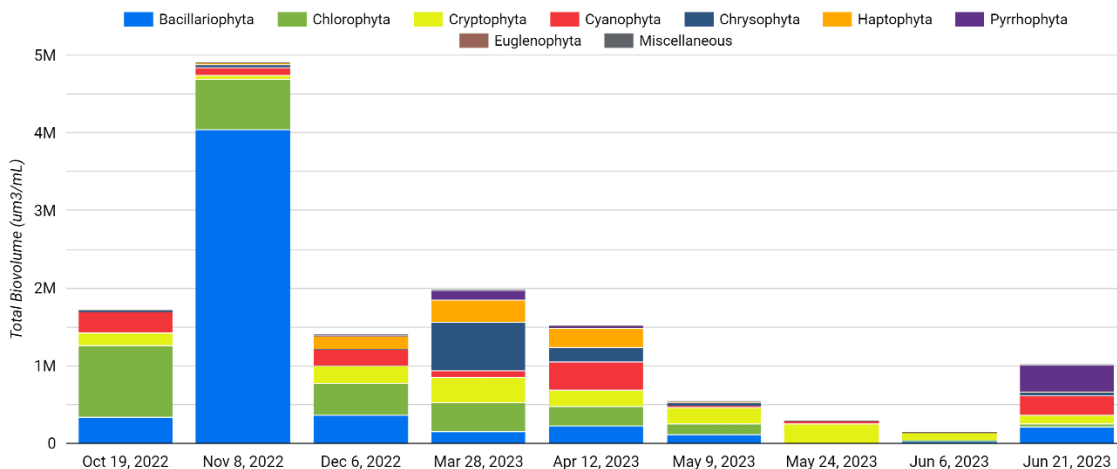


Cherry Creek Reservoir Nutrients



The phosphorus concentrations in the Reservoir are elevated this year compared to the recent few years. The phosphorus concentrations in late May and June this year averaged ~160 when in previous years they averaged <100ug/L during the same time period. These higher nutrient concentrations provide the potential for increased productivity (higher chl- α , cyanobacteria blooms), especially when the weather warms and there is less precipitation.

Plankton



Cherry Creek Reservoir demonstrates diverse species of phytoplankton in the fall, spring, and early summer. The cyanobacteria started increasing again in April some potentially toxic cyanobacteria, *Aphanizomenon* and *Dolichospermum*, were observed in June. Although not on the graphs yet, during July, a *Microcystis* bloom also occurred, mainly near the marina and West shoreline. During CPW weekly monitoring, toxin was detected above the recreational threshold (8ug/L) at the end of July and the Reservoir was closed to contact in the affected areas.

Monitoring Location Repair Updates

The repairs to the CC-10 site were completed on 7/12/23. When the backwater effect from the elevated reservoir level is gone, additional flow measurements will be completed at the site. Changes to the channel will also be evaluated which will determine if the development of a completely new stage discharge relationship will be necessary.

The CT-P1 monitoring enclosure and sampling equipment were re-installed earlier this month. Once the telemetry enclosures from CT-P1 and CT-P2 are rebuilt by Hydrologik and re-installed, all the sites should be back "online".

Memorandum

To: CCBWQA Board of Directors
From: Jessica DiToro, PE, LRE Water
Reviewed by: Jane Clary, Wright Water Engineers
Date: August 17, 2023
Subject: Control Regulation #72 Stakeholder Process Update

Issue: At the [April 10, 2023 Informational Hearing for Control Regulation 72](#) (CR 72) the Water Quality Control Commission (WQCC) granted Parker Water and Sanitation District’s (PWSD) and Castle Rock’s request for a limited scope Rulemaking Hearing (RMH) for CR 72 to review the construction dewatering discharge limitation for total phosphorus (TP) of 0.05 mg/L and consider an exemption for short-term construction dewatering activities. Staff’s update on the Informational Hearing can be found [here](#). The RMH was scheduled for February 2024, and a stakeholder process was kicked off in June 2023. The CCBWQA Board of Directors (the Board) [moved](#) for CCBWQA Staff to participate in the Stakeholder Process at the May Board meeting.

Since then, there have been two stakeholder meetings. The first was held on June 6, 2023. Jessica DiToro attended the meeting, which focused on introducing the issue. The second meeting was held on August 10, 2023. Jane Clary attended this meeting, which focused on the following topics:

- Best Management Practices (BMPs)/Control Measures (CMs) that will continue to be implemented, regardless of a numeric TP limit exemption for dewatering;
- TP load estimates for dewatering activities and comparison to the overall watershed load; and
- Treatment options and associated costs.

Based on discussion at this meeting, the next meeting on September 13, 2023 will include discussion on additional BMPs that could be implemented to reduce TP loading from dewatering activities, along with other topics.

The PowerPoint from the August 10, 2023 meeting is attached to this memorandum.

Next Steps: CCBWQA staff will continue to participate in the CR 72 stakeholder facilitated by PWSD and Castle Rock leading up to the formal RMH process.

Memorandum

To: CCBWQA Board of Directors
From: Jessica DiToro, PE, LRE Water
Reviewed by: Jane Clary, Wright Water Engineers
Date: August 17, 2023
Subject: Graywater Control Regulation #86 Rulemaking Hearing

Issue: Colorado’s graywater¹ rules are housed in [Control Regulation #86](#) (CR 86). After a robust stakeholder process lasting more than 1.5 years, CR 86 is now [noticed](#) for a public Rulemaking Hearing (RMH). The RMH is scheduled for November 13, 2023. There is one proposed change to CR 86 that is relevant to the Cherry Creek Basin Water Quality Authority (CCBWQA). The change is new language that requires any city and/or county that wishes to implement a graywater control program within a basin subject to a Control Regulation (i.e., Control Regulation 72 (CR 72)) to notify the Control Basin Authority (i.e., CCBWQA) of its plan to adopt a graywater program and comply with any applicable regulations in the relevant Basin’s Control Regulation.

CR 86.6(A)(6): *"6. A city, city and county, or county that is subject to one of the control regulations 5 CCR 1002-71 through 1002-75 must notify the control basin authority of its plan to adopt a local graywater control program prior to adopting an ordinance or resolution. The graywater control program must require that the use of graywater be in compliance with any applicable requirements in CCR 1002-71 through 1002-75."* (Notice page 7 of 53)

Statement of Basis and Purpose (SBP) Language has also been proposed to explain the rationale for the proposed language:

SBP Language: *"B. Water Quality Control Commission’s Control Regulations – 86.6(A)(6) The commission deemed it necessary to include a requirement for local graywater control programs to require compliance with nutrient control regulations (5 CCR 1002-71 through 1002- 75), and for notification to be provided to the basin control authorities. Regulation No. 86 does not contain phosphorus treatment techniques or standards."* (Notice page 50 of 53)

The proposed change does not give CCBWQA any “teeth” when it comes to reviewing the proposed graywater programs, it only requires the entity pursuing graywater to notify CCBWQA of the program. Additionally, CR 72 does not address graywater, so there are no applicable requirements that could be enforced on a graywater program that is proposed to occur within the Cherry Creek Basin. As the practice of graywater is still relatively new in Colorado, Staff does not view updating CR 72 to address graywater as an urgent need, and any changes can wait until a future triennial RMH (if at all).

Next Steps: CCBWQA Staff will monitor the RMH but do not intend for the CCBWQA to participate as a party to the RMH.

¹ Water generated in residential or commercial buildings from streams that do not introduce fecal contamination (i.e., washing dishes, laundering clothes, bathing) which may then be utilized for additional uses (i.e., toilet flushing, certain types of irrigation).