



MEMORANDUM

TO: Board of Directors
FROM: Brian Thompson, Government Affairs Supervisor
DATE: November 22, 2024
RE: December 05, 2024, Board Meeting

This memorandum shall serve as notice of a Regular Meeting of the Board of Directors of the Eagle River Water & Sanitation District:

**Thursday, December 05, 2024
12:00 p.m.**

This meeting will be held at:

Walter Kirch Room
Eagle River Water & Sanitation District Vail office
846 Forest Road
Vail, Colorado

The meeting can also be accessed on Microsoft Teams. Login information can be requested by sending an email at least 24 hours in advance to info@erwsd.org.

Input from members of the public is welcomed during the meeting's designated Public Comment period consistent with § 18-9-108, C.R.S. Speakers may address the Board on a first-recognized basis by the Chair. Public Comments are limited to three minutes per speaker on relevant matters not listed on the agenda.



BOARD OF DIRECTORS REGULAR MEETING
December 5, 2024
12:00 p.m.
Walter Kirch Conference Room

AGENDA

- | | <u>Attachment Link</u> |
|---|--|
| 1. Introductions | |
| 2. Public Comment | |
| 3. Public Hearing Concerning Certification of Delinquent Accounts | |
| 3.1. Res. 2024-11: Resolution Certifying Delinquent Accounts for Collection | Action Item |
| 4. Public Hearing Concerning Amending 2024 Budget | |
| 4.1. Res. 2024-12: Resolution to Amend 2024 Budget | Action Item |
| 5. Action Items | |
| 5.1. Minutes from Oct. 24, 2024, Regular Meeting | Action Item |
| 5.2. Contract log | Action Item |
| 5.3. Res. 2024-13: Resolution to Adopt 2025 Water Dedication Policy | Action Item |
| 5.4. Res. 2024-14: Resolution Authorizing Integrated Project Delivery for the Vail Tank 4 Rehabilitation Project | Action Item |
| 6. Information Reports | |
| 6.1. Board Committees | Informational |
| 6.2. Authority September meeting summary | Informational |
| 7. Board Member Input | |
| 8. General Manager Report – Siri Roman | |
| 8.1. GM information items | Informational |
| 8.1.1. Eagle Mine Superfund Site - Exclusion of Third-Party Data | Informational |
| 8.2. Business Administration report – David Norris | |
| 8.2.1. Water Conservation update | |
| 8.2.2. Service fee update | |
| 8.3. Operations report – Brad Zachman | Informational |
| 8.3.1. Water Quality Lab Program update | |
| 8.3.2. Non-Lead Service Line Inventory | |
| 8.3.3. Sewer Interceptor Rehabilitation update | |
| 8.4. Engineering and Water Resources report – Jason Cowles | Informational |
| 8.4.1. Bolts Lake update | Informational |
| 8.5. Communications and Public Affairs report – Diane Johnson | Informational |
| 8.5.1. 2025 potential ballot questions | Informational |

9. Water Counsel Report – Kristin Moseley

10. General Counsel Report – Kathryn Winn

11. Executive Session

11.1. Legal advice regarding National Environmental Policy Act updates and implications for Bolts Lake, pursuant to §24-6-402(4)(b), C.R.S.

11.2. Discuss personnel matters regarding the annual review of the General Manager, pursuant to §24-6-402(4)(f), C.R.S.

12. Any Action as a Result of Executive Session

13. Adjournment

Confidential



BOARD ACTION REQUEST

TO: Board of Directors
FROM: Brian Thompson, Government Affairs Supervisor
DATE: November 22, 2024
RE: Public Hearing Re: Certifying Delinquent Accounts for Collection by the County Treasurer

Summary: The annual public hearing concerning the certification of delinquent accounts for collection by the county treasurer is scheduled for the Dec. 5 board meeting. Following the public hearing, the board will consider a resolution to certify these accounts for collection.

Discussion and Background: Pursuant to §32-1-1101(1)(e), C.R.S., the board may “elect, by resolution, at a public meeting held after receipt of notice by the affected parties, including the property owner, to have certain delinquent fees, rates, tolls, penalties, charges, or assessments made or levied solely for water, sewer, or water and sewer services, certified to the treasurer of the county to be collected and paid over by the treasurer of the county in the same manner as taxes are authorized to be collected.” The District’s Rules and Regulations incorporates this statutory provision and authorizes the board to certify unpaid amounts in excess of \$150 and over six (6) months delinquent.

At the Dec. 5 board meeting, the board will convene a public hearing concerning certification of current delinquent accounts. Each of the affected parties received notice of this public hearing via certified USPS mail on Oct. 30. As of Nov. 19, six delinquent accounts are eligible for certification totaling \$16,624.67. If any of these balances- including late fees and the December bill- are paid prior to the Dec. 5 board meeting, the account will be removed from the list of delinquent accounts.

Pursuant to the Colorado Privacy Act, §6-1-1301, et seq., C.R.S., and the District’s data protection policy, personally identifiable information (PII) associated with these accounts has been redacted from the board packets; the board will see an updated list of delinquent accounts at the public hearing.

Following the public hearing, the board will consider the enclosed resolution, which certifies to the Eagle County Treasurer that the delinquent accounts are fees, rates, penalties, charges, or assessments levied solely for utility services. It also requests that the delinquencies, including a penalty to defray collection costs, be collected at the earliest possible date in the same manner as property taxes.

Budget Impacts: Staff will present an updated list of delinquent accounts and amounts to be certified at the Dec. 5 board meeting.

Suggested Motion: I move to approve and adopt Resolution 2024-11, certifying to the Eagle County Treasurer that the delinquent accounts listed on Exhibit A constitute such costs, including fees, rates, tolls, penalties, charges, or assessments levied solely for utility services, and that such accounts have been delinquent for at least six (6) months and is in excess of \$150 per account.

Attachments: Resolution 2024-11, Certifying Delinquent Accounts for Certification by the County Treasurer, with its Exhibit A (with redactions of PII)

Clean Water. Quality Life.™

EAGLE RIVER WATER & SANITATION DISTRICT
RESOLUTION NO. 2024-11
RESOLUTION CERTIFYING DELINQUENT ACCOUNTS
FOR COLLECTION BY THE COUNTY TREASURER

WHEREAS, the Eagle River Water and Sanitation District (“District”) operates pursuant to the Special District Act, § 32-1-101, C.R.S., et. seq. within a part of Eagle County, Colorado; and

WHEREAS, the District has adopted rates, fees, tolls, penalties, assessments and charges for water and sanitary sewer services furnished, or to be furnished by the District, including but not limited to charges for availability of such service; and

WHEREAS, the District is authorized to collect fees and charges on behalf of the Upper Eagle Regional Water Authority, and the Town of Minturn for water and sanitary sewer services and trash collection (collectively “utility services”); and

WHEREAS, Sections 32-1-1101(1)(e) and 31-20-105, C.R.S. and the District’s Rules and Regulations authorize collection of delinquent fees and charges for utility services by certification to the County Treasurer; and

WHEREAS, proper notice of the public meeting at which this Resolution is being adopted has been given to the property owner or owners and all affected parties; and

WHEREAS, the adoption of this Resolution will serve a public purpose and promote the health, safety and general welfare of the inhabitants of the District and the people of the State of Colorado.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Eagle River Water and Sanitation District, Eagle County, Colorado that:

Section 1. The District hereby certifies to the Eagle County Treasurer that the delinquent accounts listed on Exhibit A (as attached hereto and incorporated herein by this reference) are fees, rates, tolls, penalties, charges or assessments levied solely for utility services, including availability of such service, if applicable, and that each account has been delinquent for at least six (6) months and is in excess of \$150 per account.

Section 2. That the District hereby requests that the Eagle County Treasurer collect the delinquent accounts at the earliest possible date in the same manner as property taxes pursuant to Sections 32-1-1101(1)(e) or 31-20-105, C.R.S., as applicable, and add to such amount an additional penalty to be paid by such property owner or affected party to defray the costs of collection.

RESOLVED this 5th day of December, 2024.

EAGLE RIVER WATER AND SANITATION DISTRICT

By: _____
Dick Cleveland, Chair

ATTEST:

By: _____
Robert Warner, Jr., Secretary

Exhibit A – Delinquent Accounts To Be Certified For Collection By the County Treasurer (with redacted personally identifiable information)

Account #	Customer Name	Service Address	Town	Total 11/19
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	\$1,115.73
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	\$10,795.91
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	\$2,768.30
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	\$1,000.00
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	\$566.45
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	\$378.28
Grand Total				\$16,624.67



BOARD ACTION REQUEST

TO: Board of Directors
FROM: Brian Thompson, Government Affairs Administrator
Jim Cannava, Finance Manager
DATE: November 22, 2024
RE: Resolution to Amend 2024 Budget

Summary of Subject: At the Dec. 5 board meeting, a public hearing will be held concerning amendments to the 2024 budget. Following the public hearing, the board will consider a resolution to adopt the amended budget.

Discussion and Background: After adopting the annual budget, the board may “transfer appropriated moneys between funds” at any time during the year through the adoption of a resolution amending the budget §29-1-109(1)(a), C.R.S. This resolution must “set forth the source and amount of the revenue being appropriated; the purpose for which the revenues are being budgeted and appropriated; and the fund or spending agency that will be making the supplemental expenditure” §29-1-109(2)(c)(I), C.R.S. The statutory requirements for amending the budget are the same as adopting the original budget. §29-1-109(2)(a)(I), C.R.S. These requirements include publishing notice of a public hearing in a newspaper having general circulation §29-1-106, C.R.S.

The board will convene a public hearing on the proposed amended 2024 budget at the Dec. 5 board meeting. The proposed amendments reflect unanticipated additional expenditures resulting from multiple emergency repairs in the distribution system, an emergency well restoration, and expenses related to the 2024 Vail Water subdistrict bond issuance. Notice of this public hearing was published in the Vail Daily and Eagle Valley Enterprise on Oct. 31. Following the public hearing, the board will consider a resolution to approve and adopt the amended budget.

Budget Impact: Operating expenditures would increase by \$744,088 to cover emergency repairs and unplanned software cost growth. CIP expenditures would increase by \$1,044,493 for the unplanned well refurbishment and the timing of distribution line project expenditures. Debt service would increase by \$327,886 to cover interest and issuance costs associated with the 2024 Vail Water Revenue Bonds. Growth in CIP and debt service will be funded by bond proceeds and 2025 budgeted fees, and operating increases will be funded by budgeted surpluses.

Recommendation: Staff recommends the 2024 budget be amended as presented.

Suggested motion: I move to adopt Resolution 2024-12 to amend the 2024 budget, as presented.

Attachments: - Res. 2024-12, Resolution to Amend the 2024 Budget
- Amended 2025 Budget

RESOLUTION OF EAGLE RIVER WATER & SANITATION DISTRICT
TO AMEND THE 2024 BUDGET

WHEREAS, the Board of Directors of Eagle River Water & Sanitation District appropriated funds for the fiscal year 2024 as follows:

<u>Eagle River Water & Sanitation District Enterprise Fund:</u>	
Wastewater Fund:	\$51,001,211
Vail Water Sub-District	\$11,134,775
Total Expenditures	<u>\$62,135,986</u>

WHEREAS, the necessity has arisen for additional expenditures in the Enterprise and General funds requiring the expenditure of funds in excess of those appropriated for the fiscal year 2024; and

WHEREAS, the unanticipated additional expenditures in 2024 are the result of:

1. Multiple emergency repairs in the distribution system,
2. Emergency well restoration,
3. Distribution
4. Expenses related to the 2024 Vail Water bond issuance; and

WHEREAS, funds are available for such expenditures through bond proceeds and surplus funds available to the District;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of Eagle River Water & Sanitation District shall and hereby does amend the Budget for the fiscal year 2024 as follows:

<u>Eagle River Water & Sanitation District Enterprise Fund:</u>	
Wastewater Fund:	\$51,001,211
Vail Water Sub-District	\$13,251,242
Total Expenditures	<u>\$64,252,453</u>

BE IT FURTHER RESOLVED, that such total sum is hereby appropriated from the revenues of the District for the purposes stated:

Adopted this 5th day of December 2024.

Dick Cleveland, Chairman

(SEAL)

2024 Amended Budget

Eagle River Water and Sanitation Wastewater			
	2024 Original Budget	2024 Budget Adjustments	2024 Revised Budget
WASTEWATER REVENUE			
Wastewater Service	\$21,978,927	\$0	\$21,978,927
Water District Management (Ops Agreements)	\$8,481,648	\$0	\$8,481,648
Meter Sales & Property Rentals	\$929,855	\$0	\$929,855
Other	\$742,791	\$0	\$742,791
Total Wastewater Revenue	\$32,133,221	\$0	\$32,133,221
ROUTINE EXPENDITURES			
Collection, Treatment, Other	\$8,157,574	\$0	\$8,157,574
Nonrecurring Replacement/Repairs	\$193,000	\$0	\$193,000
Wastewater Personnel	\$15,565,868	\$0	\$15,565,868
General & Administrative	\$216,760	\$0	\$216,760
Wastewater Quality, Regulations & Studies	\$181,200	\$0	\$181,200
Total Routine Expenditures	\$24,314,402	\$0	\$24,314,402
FUNDS GENERATED FROM SERVICE REVENUE			
	\$7,818,819	\$0	\$7,818,819
DEVELOPER & OTHER FUNDING			
Tap Fees	\$773,543	\$0	\$773,543
Property Tax for Debt	\$1,417,289	\$0	\$1,417,289
Capital Replacement Base Rate	\$1,894,260	\$0	\$1,894,260
Bond Proceeds			
Interest & Misc. Income	\$307,924	\$0	\$307,924
Total Other Funding	\$4,393,016	\$0	\$4,393,016
FUNDS GENERATED FOR DEBT & CAPITAL			
	\$12,211,835	\$0	\$12,211,835
DEBT SERVICE & CAPITAL EXPENSE			
Debt Service Expense	\$8,339,471	\$0	\$8,339,471
Bond Issue Expense			
Capital Construction Plan & CRP	\$18,347,338	\$0	\$18,347,338
Total Debt Service & Capital	\$26,686,809	\$0	\$26,686,809
Total Wastewater Appropriation	51,001,211	\$0	51,001,211

2024 Amended Budget

Eagle River Water and Sanitation Water Subdistrict			
	2024 Original Budget	2024 Budget Adjustments	2024 Revised Budget
WATER SALES REVENUE	\$8,673,294		\$8,673,294
ROUTINE EXPENDITURES			
Distribution, Treatment, Other	\$1,521,481	\$555,086	\$2,076,567
Nonrecurring Replacements/Repairs	\$465,600	\$0	\$465,600
General & Administrative	\$260,000	\$0	\$260,000
Water Rights Protection & Studies	\$276,700	\$55,612	\$332,312
Operations	\$1,046,301	\$133,390	\$1,179,691
Salaries & Benefits	\$3,343,938	\$0	\$3,343,938
Professional	\$34,600	\$0	\$34,600
Total Routine Expenditures	\$6,948,620	\$744,088	\$7,692,708
FUNDS GENERATED FROM SALES	\$1,724,674	(\$744,088)	\$980,586
DEVELOPER & OTHER FUNDING			
Tap Fees	\$188,220	\$0	\$188,220
Sale of Assets			
Property Tax for Debt	\$785,327	\$0	\$785,327
Capital Replacement Program Base Charge	\$990,195	\$0	\$990,195
Bond Proceeds		\$15,000,000	\$15,000,000
Interest & Misc. Income	\$232,830	\$0	\$232,830
Total Other Sources	\$2,196,572	\$15,000,000	\$17,196,572
FUNDS GENERATED FOR DEBT & CAPITAL	\$3,921,246	\$14,255,912	\$18,177,158
DEBT SERVICE & CAPITAL EXPENSE			
Debt Service Expense	\$1,988,220	\$114,286	\$2,102,506
Bond Issue Expense		\$213,600	\$213,600
Capital Construction Plan & CRP	\$2,197,935	\$1,044,493	\$3,242,428
Total Debt Service & Capital	\$4,186,155	\$1,372,379	\$5,558,534
Total Water Subdistrict Appropriation	\$11,134,776	\$2,116,467	\$13,251,242
Total ERWSD Appropriation	\$62,135,986	\$2,116,467	\$64,252,453



2024 ERWSD CONTRACT LOG

Contract No.	Date Executed	Project Name	Contractor	Contract Amt.	Project Mgr.	Account No.	Total Amount per Account	Contract Type	Status / Description	District Total	Authority Total
24.15.088	11/01/24	Miscellaneous Industrial Coating Services	WBS Coatings, Inc.	\$75,000.00	N. Nemcanin	10.3.9.20.30.505 10.3.2.20.30.112 20.1.2.00.00.244	\$25,000.00 \$25,000.00 \$25,000.00	Master Services Agreement	Miscellaneous coating services for distribution and collection vaults.	\$50,000.00	\$25,000.00
24.15.089	10/24/24	101 Eagle Road Office Renovation	Primary Colors Painting Inc	\$10,000.00	D. Duerr	10.1.2.10.05.056	\$10,000.00	Services Agreement	Paint Eagle Vail office Op Manager's office, kitchen, and bathroom, paint 1 IT door, and refinish 4 wood doors.		
24.15.090	11/05/24	101 Eagle Road Office Renovation	Universal Mechanical Services, LLC	\$32,494.00	D. Duerr	10.1.2.10.05.056	\$32,494.00	Construction Contract	New plumbing installations at 101 Eagle Road office project.		
24.15.091	10/30/24	EWWTf Headworks and Solids Handling Biofilter Media Replacement	R.A. Nelson LLC	\$48,080.00	K. Nelson	10.3.2.10.13.115	\$48,080.00	Services Agreement	Place new media into the headworks biofilter and solids handling biofilter at EWWTF.		
24.15.092	11/13/24	ERWSD and UERWA Wildfire Preparedness Plan	Carollo Engineers, Inc.	\$15,000.00	J. Beairsto	10.3.2.20.09.016 20.1.2.00.00.133	\$7,500.00 \$7,500.00	Services Agreement	Developing framework for the District and Authorities Wildfire Response Plan.	\$7,500.00	\$7,500.00
24.15.094	11/13/24	101 Eagle Road Office Renovation - HVAC	Universal Mechanical Services, LLC	\$118,694.00	D. Duerr	10.1.2.10.05.056	\$118,694.00	Construction Contract	Service work to existing condenser units, all related electrical, and OT office dishwasher as prescribed in ERWSD Office Merch Permit Update.		
24.15.095	11/18/24	Edwards WWTF ATAD Pump Replacement	Hensel Phelps Construction Co.	\$26,567.00	J. Beairsto	10.3.2.10.13.114	\$26,567.00	Services Agreement	Replacement of ATAD pump number 2. Owner is procuring pump and expansion boots.		
24.15.096	Pending	Action1 Software	Action1	\$9,450.00	J. Way	10.1.9.00.45.300	\$9,450.00	IT Service Agreement	Configuration of Action1 software for endpoint management and vulnerability patching		



1155 CANYON BOULEVARD, SUITE 110, BOULDER, CO 80302
OFFICE: 303-449-2834 FAX: 720-535-4921
SOMACHLAW.COM

MEMORANDUM

TO: Eagle River Water & Sanitation District Board of Directors
FROM: Kristin Moseley
SUBJECT: Eagle River Water & Sanitation District Resolution on Water Dedication Policy
for 2025
DATE: November 20, 2024

Attached for your consideration is a revised version of the Eagle River Water & Sanitation District Resolution on Water Dedication Policy for 2025, which incorporates a price escalation based on inflation and increased anticipated costs of construction of Bolts Lake. Accordingly, the cash in lieu fee of \$70,985 per consumptive acre foot charged in 2024 is proposed to be increased to \$78,084 per consumptive acre foot effective January 1, 2025. The only other suggested change is a minor revision to paragraph 4(b) indicating that a \$5,000 deposit "may" be required instead of "will" be required since most water demand evaluation is performed in-house without use of outside engineering or legal consultants.

EAGLE RIVER WATER & SANITATION DISTRICT
Resolution 2024-13
RESOLUTION TO ADOPT WATER DEDICATION POLICY

Effective January 1, 2025

WHEREAS, the Eagle River Water & Sanitation District (“District”) is a quasi-municipal entity authorized and empowered to supply water for domestic and other public and private purposes; and

WHEREAS, the District’s mission is, among other goals and responsibilities, to provide efficient, effective, and reliable water to its service area, ranging from East Vail to Wolcott; and

WHEREAS, extensive redevelopment is occurring in the District’s service area and such redevelopment is increasing the existing development density and water uses associated with certain redevelopment properties; and

WHEREAS, new development and water uses are occurring within the District’s service area; and

WHEREAS, the District may expand its boundaries and commit to serve properties not currently within its service area; and

WHEREAS, to accommodate the increase in water demands caused by redevelopment projects and new water uses within or outside its current service area, and to continue to provide efficient, effective, and reliable water to its service area as it may from time to time be expanded, the District seeks to establish a uniform water dedication policy for third-party developers seeking (i) increased water service for the redevelopment of property within the District’s service area or seeking new water service for properties not covered by existing taps or zoning, or (ii) water service for properties not currently within the District’s service area (“Developers”); and

WHEREAS, such water dedication policy needs to protect the general welfare of the residents in the service area.

BE IT RESOLVED,

1. **GENERAL POLICY.** The District adopts the general policy of conditioning certain water service upon either a dedication of water rights or a payment of cash in lieu of water rights. This general policy shall apply (A) to all new development or redevelopment within its service area that will require an increase in water use or a new water use not covered by existing taps or zoning that existed as of July 22, 2004, and (B) to all properties not currently within the District’s service area. For any redevelopment, this condition applies only to the difference between the projected increased water demand and the pre-redevelopment water demand. For

example, if the pre-redevelopment demand for a particular parcel of property is five consumptive acre-feet and the projected redevelopment water demand will increase demand to six consumptive acre-feet, the increase of one consumptive acre-foot will be subject to this water dedication policy. The increase may be as a result of increased density, increased landscaping, or any other change in use of the property that increases the water demand from the pre-redevelopment demand.

2. **DEDICATION OF WATER RIGHTS.** The dedication of water rights must provide the District with a dependable legal supply of water equal to one hundred and twenty percent (120%) of the water rights necessary to service the new or increased water requirements associated with the new development or redevelopment, or property not currently within the District's service area. Using the example in Paragraph 1, if the District agrees to accept a dedication of water rights, the Developer would be required to supply a dependable legal supply of water in the amount of 1.2 consumptive acre-feet (120% of the increase in demand of one acre-foot). All water dedication agreements or contracts between Developers and the District that provide water rights to the District under this policy shall be at the discretion of the District. There may also be situations where the water rights dedication or payment of cash in lieu is based on the diversion demand, not just the consumptive use of the water demand.

To the extent the District determines to accept a dedication of water rights, the following criteria shall be used in determining the type of water rights to be dedicated:

- (A) Shares of stock in the Eagle Park Reservoir Company representing the right to the annual release of water from Eagle Park and/or Homestake Reservoirs.
- (B) Water rights that could be used to enhance the yield of Eagle Park Reservoir.
- (C) Interests in consumptive use credits that are already decreed for diversion and use at the District's diversion points.
- (D) Imported/transbasin water that is available for use in the Colorado River basin upstream of the Shoshone Power Plant.
- (E) Other water rights or storage facilities that can be integrated into the District's water system or used to enhance existing exchanges without significant expense.
- (F) All dedicated water rights must be owned in fee and cannot be based on a term limited leasehold interest.
- (G) There shall be a preference for in-basin or imported water.
- (H) Only water rights senior to the 1922 Colorado River Compact shall be accepted.

3. **CASH IN LIEU OF WATER RIGHTS.** All water dedication agreements or contracts between Developers and the District that provide cash in lieu of water rights under this policy shall be at the discretion of the District and shall be subject to the following conditions:

- (A) The District has sufficient water rights to meet the new water service obligation.
- (B) The Developer does not have access to the type of water rights that meet the District's criteria for acceptance of water rights.
- (C) The water rights appurtenant to the land to be served have been previously severed.
- (D) Cash payments based on 120% of the projected new or increased water use shall be valued based on the current market value of firm annual yield of in-basin storage, for example Eagle Park and Homestake Reservoirs, but shall not be less than the amount set forth on the attached Exhibit A.
- (E) Cash payments shall be paid to the District to be used, at the discretion of the District, to develop and/or acquire additional in-basin storage or imported/transbasin water for the District.

Notwithstanding the foregoing provisions of Paragraph 3(D) regarding the percentage of the amount of the cash in lieu fee, the District may choose in its sole discretion to reduce the percentage of the cash in lieu fee to an amount less than 120% where the Developer provides evidence acceptable to the District that the landscape design and water use fixtures of the development provide efficiencies that demonstrate a water use that is less than the District's projected new or increased water use that is used to calculate the cash in lieu fee; provided, however, in no event shall the cash in lieu fee be less than 100% of the amount of the projected new or increased water use.

The District may also choose in its sole discretion to eliminate any cash in lieu fee for the portions of a Developer's property that require the temporary irrigation of native grasses or trees for a period of a maximum of two years if the temporary irrigation is metered separately from other water uses on the property and billed at the District's irrigation rate.

4. **PAYMENT OF COSTS.** All payment of costs regarding water dedication agreements or contracts between Developers and the District under this policy shall be subject to the following conditions:

- (A) In addition to the dedication of water rights under Paragraph 2 or cash payments under Paragraph 3(D), Developers shall be required to pay the District for all legal, engineering, and other costs incurred or which may be incurred by the District to evaluate and/or adjudicate any augmentation plan or other water court application, if necessary, to provide new or increased water service to any Developer's property.

(B) Where an engineering or legal evaluation is required by the District to implement the terms of this Policy, the Developer may be required to deposit with the District an initial fee of no less than \$5,000 to pay for the cost of such evaluation. The initial deposit shall be used to pay the costs of staff, legal consultants, engineering consultants, and other expenses that may be incurred by the District. These costs are separate and distinct from any other Tap Fees and other charges applicable to the development. This cost reimbursement charge is not related or credited to any other fee or the District. Deposit amounts in excess of the actual cost of the analysis will be refunded to the proponents of the development. A good faith effort will be made to generally account for the costs incurred, but the District shall not be obligated to provide a specific accounting of costs, but only a generalized estimate.

(C) Developers requiring an Ability to Serve Letter, as defined in **C.R.S § 29-20-304**, as evidence of sufficient water rights from the District for a land use permit application shall pay a refundable cash in lieu deposit to the District that is equal to twenty-five percent (25%) of the estimated cash payment under Paragraph 3(D). Following the receipt of such cash in lieu deposit, the District will issue a Conditional Capacity to Serve Letter to the relevant government authority that demonstrates the District will serve the project once certain conditions have been met, including the payment in full of cash in lieu fees. The cash in lieu deposit will be credited toward the final cash in lieu fee payment, which shall be calculated at the current value of water rights set forth in Paragraph 3(D) at the time of payment of the full cash in lieu fees. Following the payment in full of cash in lieu fees and the execution of a Water Service Agreement, the District will provide the Developer with an Ability to Serve Letter as defined in **C.R.S § 29-20-304**. In the event water service is no longer required or desired for the Developer's property, any refund of the cash in lieu deposit shall be paid within 120 days of written notice being provided to the District. Any unpaid reimbursement costs described in Paragraphs 4(A) and (B) above owed to the District shall be withheld from the refund. The District will not refund a cash in lieu deposit once the property to which water service has been extended has obtained land use approval unless such land use approval is revoked or otherwise terminated by the relevant governmental authority.

(D) In the event water service is no longer required or desired for Developer's property, any refund of a cash in lieu payment previously paid shall be at the sole discretion of the District. Where the District decides in its sole discretion to refund a cash in lieu payment, the District may charge a cancellation fee. The District will not refund a cash in lieu payment once the property to which water service has been extended has obtained land use approval unless such land use approval is revoked or otherwise terminated by the relevant governmental authority.

5. **APPLICABILITY OF POLICY.** Upon the referral from the Town of Vail or Eagle County for an ability to serve commitment, the District staff shall determine whether this policy is applicable to any property that is currently within the District's service area and that is being developed or redeveloped.

Approved this ____ day of December, 2024.

EAGLE RIVER WATER & SANITATION DISTRICT

By: _____
Dick Cleveland , Chairman of the Board

ATTEST:

By: _____
Robert Warner, Secretary

Exhibit A

The cash in lieu payment under paragraph 3(D) of the Water Dedication Policy shall not be less than seventy eight thousand and eighty-four dollars (\$78,084) per consumptive acre foot of water.



BOARD ACTION REQUEST

TO: Board of Directors
FROM: Dan Duerr, Project Manager
DATE: December 3, 2024
RE: Resolution Authorizing Integrated Project Delivery, Vail Tank 4 Rehabilitation Project

Summary of Subject: The Board is asked to consider a resolution authorizing Integrated Project Delivery (IPD), specifically the Construction Manager at Risk (CMAR) methodology, for the Vail Tank 4 Rehabilitation project (Vail Tank 4 project). The CMAR method will allow for smoother project delivery on this highly complex project by ensuring collaboration from design through construction.

Discussion and Background: Pursuant to Sec. 14 of the District Bylaws, the District may award an IPD contract to a single participating entity for a public project “upon a determination by the Board that IPD represents a timely or cost effective alternative to a conventional bidding process for the public project and notice is published pursuant to relevant statutes.” A proposed resolution authorizing IPD for the Vail Tank 4 project is included herein as Attachment A.

This project involves unique technical and logistical challenges that would be best mitigated through collaboration with a General Contractor during the design phase to assist in preconstruction activities, value engineering, risk identification and mitigation, estimating, and site logistics. This can be achieved through the authorization of IPD. A recommendation memorandum from the design engineer, Western Water Solutions, is included herein as Attachment B.

Recommendation: Staff recommends the Board approve the attached resolutions as the CMAR method will offer several benefits for the Vail Tank 4 project, including close collaboration between the owner, engineer, and construction manager; improved communication and decision-making; and greater transparency and understanding of project costs.

Alternatives: Amend the requested action or take no action (if no action is taken, the project will proceed with Design-Bid-Build procurement)

Legal Issues: The resolution complies with relevant statutes, including §32-1-1806, C.R.S.

Budget: The 2025 capital budget allocates \$2,000,000 to the Vail Tank 4 project.

Suggested Resolution and Motion: I move to approve and adopt Resolution 2024-14, Authorizing Integrated Project Delivery for the Vail Tank 4 Rehabilitation Project, as presented.

Attached Supporting Documentation:

- Attachment A - Res. 2024-14, Resolution Authorizing Integrated Project Delivery for the Vail Tank 4 Rehabilitation Project
- Attachment B – Memorandum from Western Water Solutions recommending CMAR Delivery

EAGLE RIVER WATER AND SANITATION DISTRICT

RESOLUTION NO. 2024-14

A RESOLUTION AUTHORIZING INTEGRATED PROJECT DELIVERY FOR THE VAIL TANK 4 REHABILITATION PROJECT

WHEREAS, the Eagle River Water and Sanitation District (“District”) is a quasi-municipal corporation and political subdivision of the State of Colorado and a duly organized and existing special district pursuant to Title 32, Article 1, Colorado Revised Statutes; and

WHEREAS, pursuant to Part 18 of the Special District Act, the District is authorized to procure public improvements via integrated project delivery and award contracts on a “best value” rather than “lowest responsible, responsive bid” basis; and

WHEREAS, the Board of Directors (“Board”) of the District has reviewed and considered the various challenges and opportunities relevant to the delivery of the District’s Vail Tank 4 Rehabilitation (“Project”), including, but not limited to the following:

1. Maximizing collaboration between design professionals, contractor, and the District throughout the Project; and
2. Continuity of the various parties involved in the Project from start to finish which increases efficiency; and
3. Greater construction cost certainty and less budget risk by establishing a Guaranteed Maximum Price (GMP) at 60% design; and
4. Minimizing probability of adversarial relationships and legal issues; and
5. Time and/or money savings by integration of budget, schedule, and constructability of the project from the outset; and
6. Incorporating constructability considerations into the design of the project; and
7. Minimizing probability of excessive change orders; and
8. Ability to fast-track design and construction and/or utilize concurrent design and construction phases for different segments of the project; and
9. Greater focus on quality control and quality assurance through all phases of the project

WHEREAS, based on these challenges and opportunities, the Board hereby finds and determines that integrated project delivery represents a timely and cost-effective alternative for delivery of the Project.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Eagle River Water and Sanitation District as follows:

1. **Authority to Use Integrated Project Delivery.** The Board hereby finds and determines that integrated project delivery represents a timely and cost-effective alternative for the Project.
2. **Effective Date.** This Resolution shall take effect and be enforced immediately upon its approval by the District Board.

ADOPTED this ____ day of _____, 20_____.

Eagle River Water and Sanitation District

By: _____
Dick Cleveland, Chairman

Attest:

Robert Warner Jr, Secretary



MEMORANDUM

To: Jeff Schneider, P.E. – Eagle River Water and Sanitation District
From: Theresa Weidmann, P.E. – Western Water Solutions
Date: December 2, 2024
Subject: Recommendation for Construction Manager At Risk (CMAR) Integrated Project Delivery Method for Vail Tank 4 Project

Introduction

The Vail Tank 4 project involves technical and logistical construction challenges, including the application of specialized repairs using fiber reinforced polymer (FRP). I recommend Eagle River Water and Sanitation District (District) implement the Construction Manager At Risk (CMAR) Integrated Project Delivery Method for this project. The CMAR method allows for early involvement of the construction manager, providing valuable input during the design phase to manage risks and achieve constructability. This approach should address pre-construction scope, the project's complexities associated with specialized repairs, phasing, location and access, permitting, and challenging civil tasks.

1. Pre-construction Scope

Several modifications to the existing infrastructure may require additional contractor work, ahead of the actual project start date, to provide necessary mechanical piping and instrumentation to allow the tank to be drained and taken offline.

2. Specialized Repairs

The project includes specialized repairs using FRP composites, which are proposed for increasing the capacity and durability of the deteriorated roof slab and roof framing columns. The CMAR method allows for the selection of experienced contractors and specialized subcontractors who are proficient in FRP applications.

3. Phasing to Reduce Extended Tank Outage

To minimize disruptions and an extended tank outage, initial discussions have been proposed to execute the project in multiple phases. The CMAR method supports phased construction by allowing the construction manager to coordinate and oversee each phase, allowing for completion of critical tasks, and smooth transitions between project stages.

4. Project Location and Access

The project's location, access, and lack of a staging area presents difficult challenges that will require detailed planning and coordination with the construction manager. Early involvement can provide critical input on logistics, coordination with the Town of Vail, site access, staging, and material delivery / hauling.

5. Permitting through the Town of Vail

The permitting process through the Town of Vail is a critical aspect of the project. With the CMAR method, the construction manager is actively involved from the beginning to secure the necessary permits and approvals.

6. Challenging Civil Tasks

The civil engineering components of the project, specific to excavating soil from the roof, exposing and repairing the overflow pipe, and exposing and installing a new drain valve require careful planning and execution. Having close collaboration between the construction manager and civil engineers will be imperative. This collaboration helps mitigate potential issues and wasted time evaluating scope that may be impossible to construct.

Conclusion

The CMAR project delivery method offers several benefits for the Vail Tank 4 project. Specifically, the close collaboration between the owner, engineer, and construction manager, improving communication and decision-making. Additionally, the open book, transparent estimating process benefits the District to have a clear understanding of project costs.



BOARD COMMITTEES

DISTRICT

<i>Audit/Budget</i>	Dick Cleveland Steve Coyer *Sarah Smith Hymes
<i>Employee Housing</i>	Steve Coyer Rick Pylman *Robert Warner, Jr.
<i>Retirement Plans</i>	Robert Warner, Jr. Siri Roman David Norris *Dick Cleveland
<i>Organizational Development</i>	Robert Warner, Jr. Dick Cleveland *Timm Paxson
<i>Water Quality</i>	Sarah Smith Hymes Timm Paxson *Steve Coyer

AUTHORITY

<i>Audit/Budget</i>	Geoff Dreyer George Gregory *Joanna Kerwin
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JOINT

<i>Rules and Regulations</i>	Kim Bell Williams (A) Robert Warner, Jr. (D) *George Gregory (A) *Rick Pylman (D)
<i>Water Conservation</i>	Kevin Hillgren (A) Tamra Underwood (A) Kate Burchenal (D) Steve Coyer (D) *Geoff Dreyer (A) *Sarah Smith Hymes (D)

(A) = Authority, (D) = District

**Backup committee member
(serves in the absence of a primary member)*



UPPER EAGLE REGIONAL
WATER AUTHORITY

GOVERNED BY:

The Metropolitan
Districts of:
Arrowhead
Beaver Creek
Berry Creek
EagleVail
Edwards

The Town of Avon

MEMORANDUM

TO: Board of Directors
FROM: Brian Thompson, Government Affairs Supervisor
DATE: Oct. 18, 2024
RE: Summary of Sept. 26, 2024, Board Meetings

The following is a summary of items discussed at the Authority’s Sept. 26, 2024, board meeting. Directors present and acting were Chair George Gregory, Secretary Kim Bell Williams, Treasurer Geoff Dreyer, Kevin Hillgren, Joanna Kerwin and Alternate Director Eric Heil. Tamra Underwood was also present during open session.

- Eagle County Conservation District (ECCD) ballot measure** Laura Bohannon, ECCD Executive Director, discussed a ballot measure to create ECCD’s first mill levy to help fund its growing program and operating expenses. She asked the board to consider a resolution supporting the ballot measure. The board tabled consideration, with plans to revisit the topic on Oct. 24.
- Board Compliance Training: Fiscal Accountability** The board participated in the third component of a four-part compliance training series. David Norris facilitated the training on fiscal accountability, emphasizing best practices related to board members’ financial oversight and fiduciary duties, with a focus on transparency, impartiality, and vigilance, as well as external audit requirements to ensure accuracy and accountability.
- Work Session: Proposed 2025 Budget** The board reviewed the proposed 2025 budget. Key priorities include water supply security through Bolts Lake, emergency preparedness, and debt management with a focus on lowering bond costs, as well as critical operational priorities to address aging infrastructure and strengthen water and sewer system maintenance activities. The board also reviewed proposed increases to rates and fees and discussed impacts of upcoming required regulatory and infrastructure expenses on overall affordability for customers. Public hearings on the 2025 budget and the incorporated rates and fees have been noticed for Oct. 24.
- Wastewater facility discharge permits** Siri Roman noted that the Colorado Department of Public Health & Environment issued a new discharge permit to the town of Eagle that sets the most stringent temperature limits possible; this creates risks for the District and other utilities statewide and could vastly increase treatment and operational costs.
- Water Conservation Update** Allison Ebbets presented preliminary data showing reductions in water use among individually metered residential accounts compared to previous summers. District staff will continue to promote conservation efforts focused on permanent behavior changes and long-term water savings.
- Bolts Lake Update** Jason Cowles provided updates on Bolts Lake program management plans, including the project team finalizing communication and procurement strategies and selecting AECOM as the design engineer.
- Shoshone Water Rights Acquisition Update** Diane Johnson provided updates on the Shoshone permanency project, noting the Colorado River District’s funding application to be submitted to the Bureau of Reclamation, for which the District and Authority provided a joint letter of support.



MEMORANDUM

TO: Boards of Directors
FROM: Siri Roman, General Manager
DATE: November 22, 2024
RE: General Manager Report

Organizational Values

Earlier this year, the People Operations team initiated a data-driven, collaborative effort to develop new organizational values. After an extensive process, we are proud to share updated values that represent our organization today and what we aspire to be in the future:

Serving Community: We are community serving community; dedicated to building trust, accountability, and doing what's right.

Environmental Stewardship: We make sustainable decisions to have a positive impact on the natural world around us.

Ongoing Excellence: We strive for continuous improvements to meet the evolving needs of our community and environment.

Safety & Wellness: We believe that a resilient future for our mountain community starts with a healthy workforce.

2025 Work Planning

The leadership team is busy with multi-year visioning and 2025 work planning. Work is being anchored to strategic plan guiding principles and critical priorities like the sanitary survey, water conservation, Bolts Lake design, etc. Each team is developing a work plan with specific, measurable outcomes aligned to 3-year goals.

Eagle Mine Superfund Site - Exclusion of Third-Party Data from Five Year Reviews

Since cleanup began at the Eagle Mine Site over 30 years ago, the frequency and duration of water quality standard exceedances in the Upper Eagle River have decreased. However, exceedances still occurred in four out of the five years from 2017-2022. These exceedances were detected in water samples by District staff, as well as River Watch of Colorado.

Conversely, samples from the Potentially Responsible Party (PRP) and the U.S. Geological Survey (USGS) showed no exceedances. The EPA and Colorado Department of Public Health & Environment (CDPHE) made the decision to exclude third-party data from the five-year review of the Eagle Mine Superfund Site. District staff and our consultant, LRE Water, worked with other Eagle River Stakeholders (UERWA, Eagle County, Eagle River Coalition, and the Towns of Avon, Eagle, Gypsum, Minturn, and Vail) on the attached letter urging the EPA and CDPHE to include third-party data in their reviews.



November 21, 2024



Ms. Jamie Miller
US EPA Region 8
1595 Wynkoop Street
Denver, CO 80202

transmitted via email



Re: Eagle Mine Superfund Site - Exclusion of Third-Party Data from Five Year Reviews

Dear Ms. Miller,



The Eagle River Water & Sanitation District (“the District”), Upper Eagle Regional Water Authority, Eagle County, Eagle River Coalition, and the towns of Avon, Eagle, Gypsum, Minturn, and Vail (collectively the “Eagle River Stakeholders”) provide the attached memorandum in response to the EPA’s position that third-party data shall be excluded from all future five-year reviews for the Eagle Mine Superfund Site.



Protecting and improving the water quality of the Eagle River watershed is of utmost importance to the Eagle River Stakeholders. The Eagle Mine Superfund Site, despite the cleanup activities that have occurred over the past 30 years, continues to cause degradation of the water quality of the Upper Eagle River because remedial actions needed to meet water quality standards have not been fully implemented. Eagle River water quality is a crucial component of Eagle County’s recreation- and tourism-based economy. Furthermore, there are numerous drinking water treatment facilities and wastewater treatment facilities located downstream of the Site that are also negatively affected by increased metals loading upstream, as it increases the cost of treatment for drinking water and wastewater alike due to increased metals in source water (drinking water), reduced assimilative capacity in the river resulting in lower discharge limits (wastewater), and increased chemical use to achieve treatment requirements (both).



The Eagle River Stakeholders strongly object to EPA’s decision to exclude third-party data (with the exception of USGS data) from future five-year reviews and other reports. Since cleanup began at the Eagle Mine Site more than 30 years ago, the frequency and duration of exceedances of water quality standards for metals in the Upper Eagle River have been reduced; nonetheless, such exceedances occurred in four out of the five-year (2017-2022) period of record. All these exceedances were detected in water samples collected by the District and River Watch, while no exceedances of the standards were detected in samples collected by the Potentially Responsible Party (PRP) and USGS.



The District invests more than 240 staff-hours per year sampling Upper Eagle River site E-22 just downstream of Minturn. In fact, the District’s data makes up 45% of all the data collected by all parties in the Upper Eagle River across Segments 5a, 5b, and 5c (64% when River Watch data is incorporated). Data collected by the PRP only makes up 26% of all the samples collected by stakeholders (35% with the USGS data incorporated). Water quality data collected by the District and River Watch is readily available and credible, is used by the Colorado Water Quality Control Division and EPA for other regulatory purposes and should not be excluded from future five-year reviews and other studies,



including the pending preliminary design investigation associated with the groundwater extraction systems at Belden and Rock Creek.

We request that the EPA reconsider its decision to exclude third-party data from its FYRs. We also request the opportunity to meet with you to further discuss our concerns and options for addressing these issues. As stakeholders, we all share the goal of fully implementing the remedial measures needed to meet water quality standards at the Eagle Mine Site.

I submit this letter on behalf of the Boards of Directors of the Eagle River Water & Sanitation District and the Upper Eagle Regional Water Authority, as well as Jeff Shroll, Eagle County Manager, Vicki Flynn, Eagle River Coalition Executive Director, and the following town managers: Eric Heil (Avon), Larry Pardee (Eagle), Jeremy Rietmann (Gypsum), Michelle Metteer (Minturn), and Russell Forrest (Vail).

Please let us know if you have any questions. We look forward to hearing from you soon.

Sincerely,

Siri Roman
Digitally signed by Siri Roman
Date: 2024.11.21 10:11:17 -07'00'

Siri Roman, P.E.
General Manager
Eagle River Water & Sanitation District

CC: Steve Bushong, Bushong & Holleman PC
Sydney Chan, US EPA Region 8
Jessica DiToro, PE, LRE Water
Vicki Flynn, Eagle River Coalition
Russell Forrest, Town of Vail
Marcia Gilles, Eagle County
Sarah Graves, CDPHE, HMWMD
Eric Heil, Town of Avon
Larry Pardee, Town of Eagle
Jeremy Rietmann, Town of Gypsum
Bill Hoblitzell, Lotic Hydrological, LLC
Michelle Metteer, Town of Minturn
Jeff Shroll, Eagle County
Bob Weaver, LRE Water
Lauren Whitney, CDPHE, HMWMD



Nov. 21, 2024

Eagle River Stakeholders – Exclusion of Third-Party Data from Five Year Reviews

Enclosure to letter submitted on behalf of the Boards of Directors of the Eagle River Water & Sanitation District and the Upper Eagle Regional Water Authority, as well as Eagle River Coalition, Eagle County, and the towns of Avon, Eagle, Gypsum, Minturn, and Vail.

1. Introduction and Purpose

The purpose of this report is to document the Eagle River Stakeholders' objections and concerns regarding EPA's preliminary decision to limit the data to be used for the water quality analysis to be included in the upcoming Five-Year Review (FYR) for the Eagle Mine Superfund Site. At the Sep. 5, 2024, Eagle Mine Quarterly Stakeholder Meeting, Sydney Chan informed stakeholders that the EPA would be triggering an early FYR for the Site, starting at the beginning of the EPA's 2025 fiscal year. Additionally, for this next FYR, the data to be used for the water quality analysis would be limited to data collected by the Potentially Responsible Party (PRP) and United States Geological Survey (USGS) and data collected by others, including River Watch and the Eagle River Water & Sanitation District (the District), would not be used in the analysis. We feel that this decision is seriously flawed because it is inconsistent with the State's adopted methodology for determining compliance with water quality standards, it is not based upon sound scientific and technical analysis, it is inconsistent with the methodology used by EPA for other superfund sites in Colorado, it is inconsistent with the use of third-party data by the EPA for other reports and studies for the same Site, and it will jeopardize the credibility of the FYR. These concerns are detailed below.

2. Inconsistency with State's methodology for determining compliance with water quality standards

Pursuant to the Clean Water Act (CWA) (33 U.S.C. §1251 et seq.) the State has primary responsibility for developing and implementing water quality standards, including those standards approved by the Colorado Water Quality Control Commission (WQCC) for Eagle River Segments 5a, 5b, and 5c. Every two years, as required by the CWA, the State updates the 303(d) list of waterbodies that do not meet water quality standards. The State's 303(d) Listing Methodology, which is updated every two years with input from stakeholders, including the EPA, is used to determine which waterbodies have pollution levels that do not meet water quality standards.

EPA regulations require that *"Each State shall assemble and evaluate all existing and readily available water quality related data and information to develop the list."* (40 CFR 130.7(b)(5))

According to EPA's 2006 Integrated Reporting Guidance:

“Such types of data and information should also be solicited from a wide variety of organizations and individuals, such as:

- *other state agencies such as Fish and Wildlife, Parks, and Agriculture Departments*
- *federal agencies, including EPA, USGS, NOAA, USDA, and USFWS*
- *local governments*
- *drinking water utilities and state agencies responsible for SDWA implementation*
- *universities and other research institutions*
- *environmental consulting firms*
- *National Pollutant Discharge Elimination System (NPDES) permittees*
- *conservation/environmental organizations*
- *outdoor recreation organizations*
- *citizen monitoring groups*”

Emphasis added

Colorado's 303(d) Listing Methodology provides guidelines that are used to evaluate the adequacy (credible evidence) of water quality information as a basis to support listing a waterbody, including the following:

“2. Sampling and Analysis Plans

Chemical data should be supported by a Sampling and Analysis Plan (SAP), which identifies sampling locations, contains analytical method references, and incorporates Quality Assurance/Quality Control (QA/QC) provisions. QA/QC documentation may include references to a standard QA/QC protocol. During review of chemical data submitted for evaluation, the division may require submittal of the SAP, QA/QC protocols and the results of QA/QC efforts. The division will provide any such information to other parties upon request.”

Data collected by the District and River Watch meet this and other 303(d) Listing Methodology requirements, and resulted in the following current 303(d) listings for Eagle River segment 5¹:

- 5a – Dissolved cadmium (aquatic life) and dissolved zinc (aquatic life)
- 5b – Dissolved zinc (aquatic life)
- 5c – Dissolved zinc (aquatic life)

It is important to note that the Colorado 303(d) List has been approved by EPA. Failure to use all the readily available and credible data for the water quality analysis to be included in the Eagle Mine FYR is inconsistent with the State's 303(d) Listing Methodology and will likely result in conflicting conclusions as to compliance with water quality standards in these stream segments.

¹ [WQCC Regulation 93, pages 135-136](#)

3. Not based on sound scientific and technical analysis

As Eagle River segment 5 water quality conditions have improved in response to remediation measures at the Eagle Mine Site, EPA and the Hazardous Materials and Waste Management Division (HMWMD) have relaxed water quality monitoring requirements. Water quality improvements, however, have reduced the frequency and duration of exceedances, making it more difficult to identify such exceedances without more frequent monitoring. In response to the inadequacy of monitoring required by the EPA and HMWMD, stakeholders have continued their own monitoring programs to provide the data needed to truly assess compliance with stream standards.

The following approximates the number of samples collected by each entity from March 1, 2017, to April 30, 2022 (approximately, but not the exact period of record used in the 6th FYR):

Table 1. Sample Counts by Entity and Segment (March 2017 through April 2022)

Entity	5a	5b	5c	Total
PRP	98	35	30	163
District	59	104	122	285
USGS	31	0	31	62
River Watch	29	84	3	116
Totals	217	223	186	626

Only 26% of the readily available and credible data has been collected by the PRP under the monitoring plans approved by EPA and HMWMD. An additional 10% has been collected by the USGS. If the water quality assessment for the upcoming FYR is based only upon data collected by the PRP and the USGS, a total of 64% of the readily available and credible data will be excluded from the analysis. For segments 5b, more than 84% of the readily available credible data will be excluded.

None of the recent exceedances in the Upper Eagle River for dissolved cadmium, copper, nor zinc were captured by USGS's sampling program. In Segments 5a, 5b, and 5c there are only two active USGS monitoring sites: 1) 09064600² in Segment 5a; and 2) 393627106264000³ in Segment 5c. At both these sites, the USGS only collects six samples a year, or one sample every two months. This sampling program was designed to observe long-term water quality trends in conjunction with other USGS sampling locations in the Eagle River basin. The USGS sampling program was not designed to monitor impacts associated with the Eagle Mine. These two USGS sites located in the Upper Eagle River are only sampled once a year in the early spring period of March/April when exceedances of standards caused by the Eagle Mine Site have historically been most likely to occur.

² [USGS 09064600 Eagle River Near Minturn, CO](#)

³ [USGS 393627106264000 Eagle River Above Gore Creek Near Minturn, CO](#)

The District's Upper Eagle River sampling program operates on a much more robust sampling frequency, with multiple samples being collected in March and April during the early spring runoff period when more frequent water quality standard exceedances occur.

The District began collecting data on the Eagle River below Minturn (E-22) in April 2008 when this site was removed from the Eagle Mine sampling program. Collection of this data is important to the District to assess water quality below the Eagle Mine, to provide baseline data for use in watershed planning and management, to assess segment-specific conditions, and to evaluate appropriateness of underlying standards. River Watch collected samples at Above Two Elk, Boneyard, and Tigiwon since 1992. Due to a reprioritization to down valley water quality sampling in the Brsh Creek watershed by the Eagle River Coalition (previously the Eagle River Watershed Council), the District took over sampling these sites in 2021.

As described above, Segment 5a was listed for dissolved cadmium and zinc and Segments 5b and 5c were listed for dissolved zinc.¹ Prior to every major rulemaking hearing (RMH), such as the biannual Regulation 93 RMHs, the Water Quality Control Division (WQCD) formally requests stakeholders to submit water quality data meeting the WQCD guidelines through a 'data call.' This data is then used by the WQCD in various water quality analyses (e.g., stream attainment assessments for Regulation 93 RMHs). The WQCD then uses the results of these analyses to make recommendations to the WQCC for changes to the regulations.⁴

It is important to note that the District operates an EPA-certified laboratory located in Avon. The District's laboratory uses EPA approved methods to analyze drinking water compliance samples, wastewater discharge permit samples, and stream samples that are used by the WQCD to calculate discharge permit limits.

As demonstrated in a letter sent to the EPA and the HMWMD by the District and the Authority on Nov. 30, 2022 (Attachment A, "re: 2023 5-Year Review Interview Follow-Up Letter"), the EPA's monitoring program for the Upper Eagle River has failed previously to accurately capture non-attainment of the water quality standards in the Upper Eagle River. When the EPA's PRP data is supplemented with USGS, River Watch, and the District's data, the following exceedances were identified from 2017 to 2021.

Segment 5a:

- Two exceedances of the dissolved cadmium acute water quality standard:
 - April 2019 – EPA Scribe E-12A (two)
- Four exceedances of the dissolved zinc acute water quality standard:
 - April 2019 – EPA Scribe E-12A (two); EPA Scribe E-10 (two)

Segment 5b:

- One exceedance of the dissolved cadmium acute water quality standard:
 - April 2018 – River Watch 3291

⁴ State of Colorado [Section 303\(d\) Listing Methodology 2026 Listing Cycle](#), pages 14-15

- Two exceedances of the dissolved copper acute water quality standard:
 - April 2018 – River Watch 3291⁵
 - April 2021 – EPA Scribe E-15
- Three exceedance of the dissolved zinc acute water quality standard:
 - April 2018 – River Watch 3291
 - May 2019 – ERWSD E-13; ERWSD E-15

Segment 5c:

- Fifteen exceedances of the dissolved zinc acute water quality standard:
 - April 2017 – ERWSD E-22 (two)
 - April 2018 – River Watch 3292
 - April 2019 – ERWSD E-22 (three); River Watch 3292; EPA Scribe E-22 (three)
 - April 2020 – EPA Scribe E-22 (five)

As is shown in the third bullet under Segment 5b above, if the WQCD had only used CBS-collected data and excluded the April 2018 River Watch data and/or the May 2019 data collected by the District⁶ Segment 5b would have been delisted for zinc during the 2023 Regulation 93 RMH. However, because the WQCD incorporated data from other sources (like that of the District and River Watch) into their 303(d) analysis for Segment 5b, the segment was retained on the 303(d) List for dissolved zinc in 2023. This demonstrates why excluding third-party data from future FYRs is so concerning and would likely result in conflicting attainment conclusions between the EPA (FYR conclusions) and the WQCD (303(d) Listings).

4. It is inconsistent with the methodology used by EPA for other superfund sites, Annual Reports, Focus Feasibility Studies, and the previous FYR

The water quality assessment for the most recent FYR for the Upper Clear Creek Superfund follows the 303(d) Listing methodology. The decision by the EPA to exclude third party data from future FYRs is also inconsistent and a direct contradiction of how third-party data has been used by the EPA in previous studies and reports for the Eagle Mine Site. For example, on pages 2-9 of the Eagle Mine 2022 Annual Report, TCI specifically acknowledges that District data is used to supplement the PRP's data.

“At TCI’s discretion, Figure 2-6 and Figure 2-7 have been supplemented with USGS and ERWSD data. The USGS collects data four times a year at their gaging station 09064600 (corresponding with location E12A). The ERWSD typically collects surface water samples monthly at E12A (Station 950), E15 (Station 3291), and E-22, these data after October 2021 were not available for inclusion in this report.”

⁵ Note that the WQCD during its review of Segment 5b data for the 2023 Regulation 93 RMH did not count this as a ‘true exceedance’ as when it was averaged with the results collected at the other River Watch sites in Segment 5b that were collected on the same day, the average results of the samples was less than the average standard. This is consistent with the methodology listed in State of Colorado’s [Section 303\(d\) Listing Methodology 2026 Listing Cycle](#).

⁶ These results were collected on the same day, and as discussed in Footnote 5, results collected within the same segment on the same day must be averaged and compared to an average water quality standard. When this was done, the average result exceeded the acute water quality standard.

A review of all Annual Reports available to LRE Water confirms that the District's data has been used to supplement PRP data as far back as, but not necessarily starting in, 2012. The 2020 Annual Report further specifies how the District's data is supplemented into the Annual Report's water quality data analysis on pages 2-6:

“ERWSD collects surface water samples monthly at E-12A (Station 950), E-15 (Station 3291), and E-22. These data also are typically used to supplement figures in the months for which TCI contractors do not collect samples as well as providing additional data for the Spring months”

Furthermore, the 2022 Annual Report's water quality analysis was essentially copied directly into EPA's 6th FYR, Appendix J (2023), which contains the surface water quality data tables and figures. As the District's data was used in the 2022 and earlier Annual Reports, and the 6th FYR, it is not clear why EPA would exclude this important information from future FYRs, especially when it appears that the PRP would not object to the use of this data for the water quality assessment.

This use of third-party data by the EPA, including that collected by the District, is not limited to the Annual Reports from 2012 to 2022 nor is it limited to the 6th FYR. The Focused Feasibility Study (FFS) dated July 26, 2013, also used third party data from both the District and River Watch. Appendix B (page 162 of 239) to the FFS lists each data point used in the FFS along with the source of that specific data point. There are numerous data points that originate from sampling programs outside that of the PRP's and USGS's.

5. The EPA has not provided any regulatory or technical basis for excluding third party data from the analysis

The EPA has failed to provide any regulatory or technical basis for excluding readily available and credible third-party data from future FYRs. An extensive literature review conducted by LRE Water failed to identify any EPA regulation, guidance, or policy that specifically instructs EPA staff to exclude third-party data from its FYRs or any other analyses or reports.

6. It will jeopardize the credibility of the FYR

If EPA fails to include all the readily available and credible data in the FYR water quality analysis only 60%, 15%, and 32% of the readily available data will be used in the analysis, for stream segments 5a, 5b, and 5c, respectively, and it will result in conclusions that conflict with the State's 303(d) List. Based on this type of flawed analysis, it is likely that the FYR Protectiveness Determination will find that the remedies implemented to data are “Protective” and no additional remediation will be required. Clearly, this conclusion will not be acceptable to stakeholders because, as documented in our previous comments and the State's 303(d) List, the aquatic life water quality standards for cadmium and zinc are not being met.

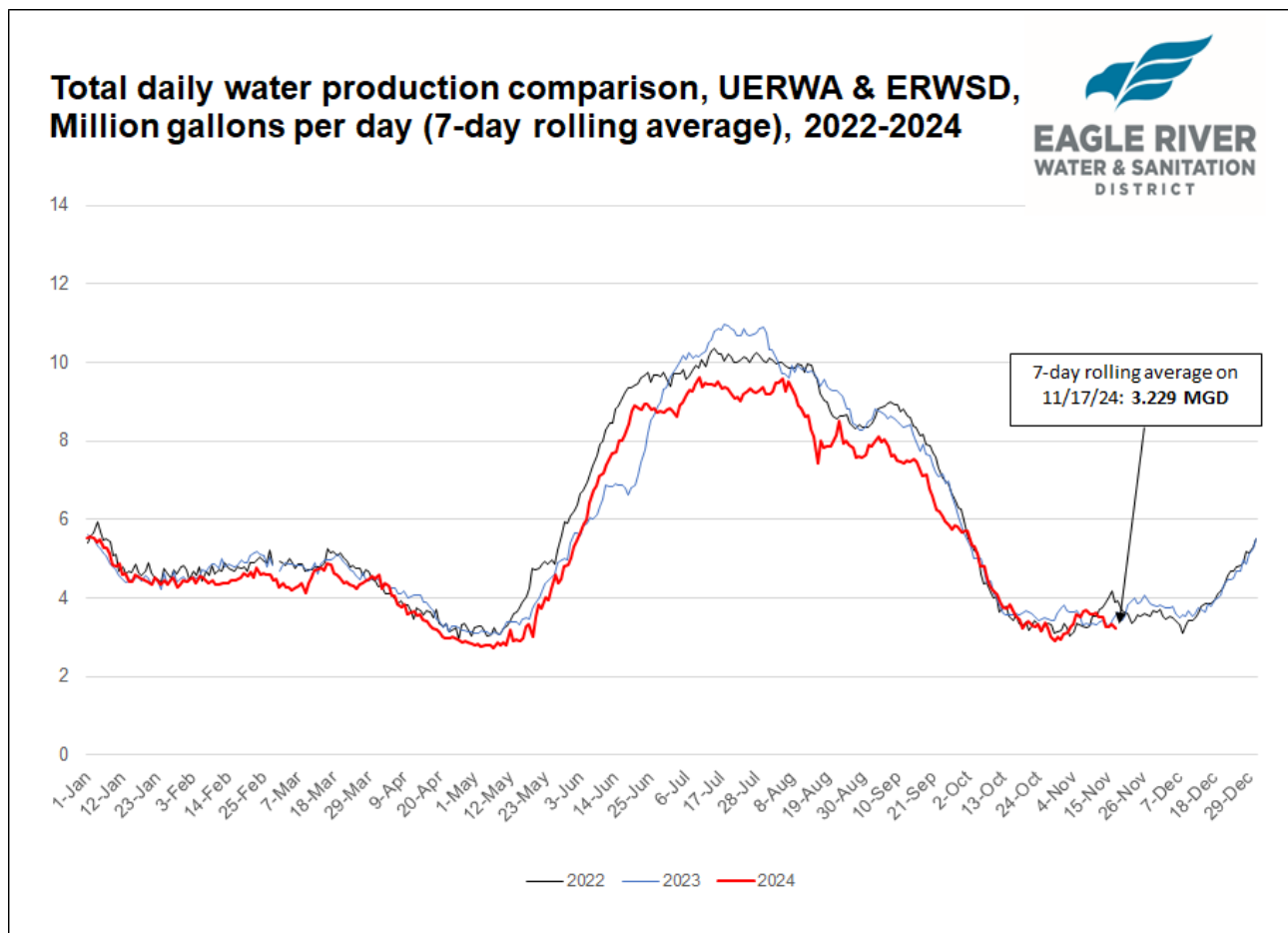


OPERATIONS MONTHLY REPORT DECEMBER 2024

WATER

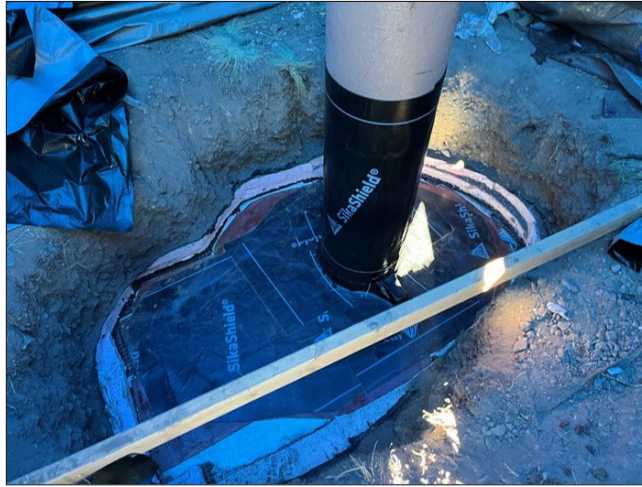
Kailey Rosema

The system-wide water production comparison was updated through Nov. 17. System production is normal for this time of year.



The planned maintenance and capital improvements projects at the Edwards Drinking Water Facility (EDWF) have been completed. The work included improvements to the membrane clean-in-place process piping and tanks, installation of vents on the disinfection clearwell, and installation of a backflow prevention control system on the membrane filtration process. Water operators are currently working to bring the facility back online.

Clean Water. Quality Life.™

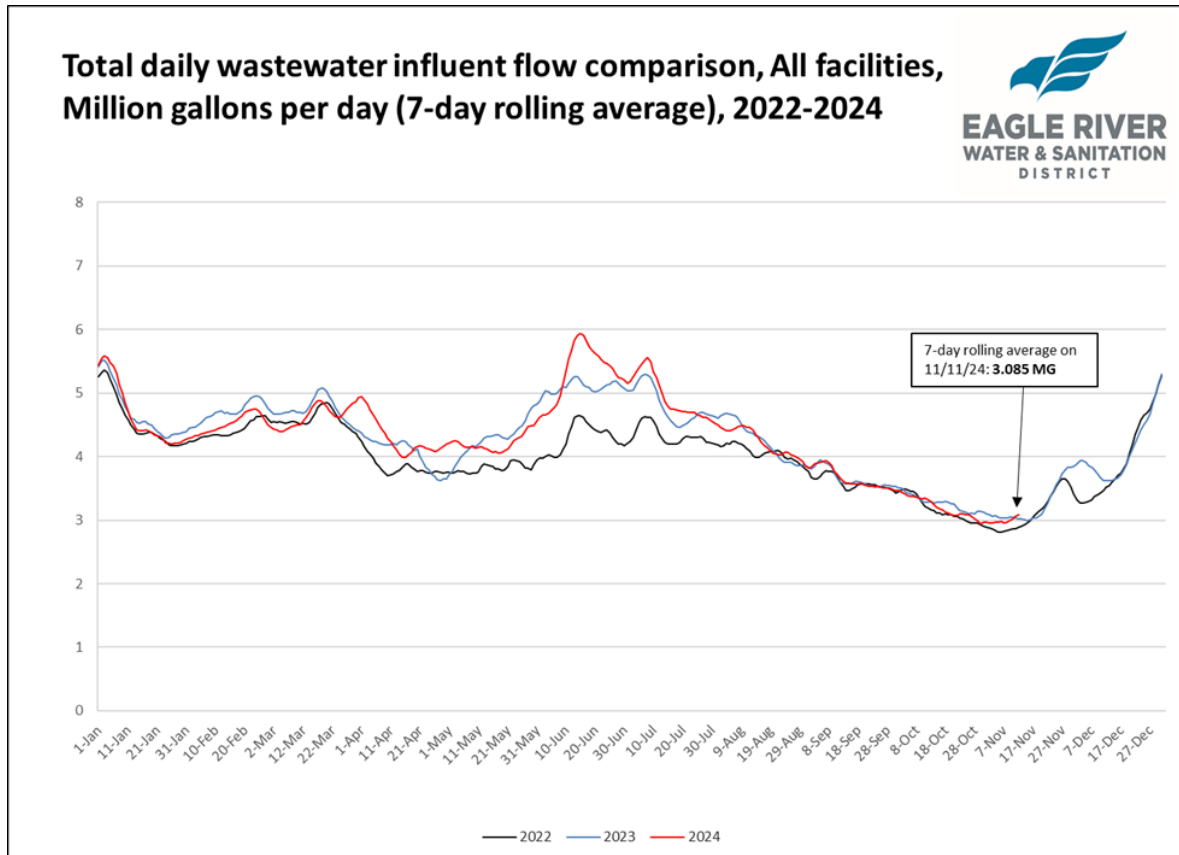


EDWF clearwell vent installation and roof system repair

WASTEWATER

Chris Giesting

The system-wide wastewater inflow comparison was updated through Nov. 11. System flow is normal for this time of year. Operators are currently adjusting plant processes in preparation for the increased seasonal loading that typically begins around the Thanksgiving holiday.



LABORATORY & WATER QUALITY

Leah Cribari

On Nov. 19, CDPHE staff performed an on-site audit of the laboratory's drinking water compliance program. The audit involved a detailed evaluation of the analytical instrumentation, methods, materials and procedures that are used to analyze drinking water compliance samples. This year, for the first time, the audit included metals analyses. Metals testing is a new capability made possible by the the District's recent purchase and installation of the Inductively Coupled Plasma Mass Spectrometry (ICP-MS) instrument. Upon CDPHE's formal acceptance of the audit, the District's laboratory will become state-certified to perform drinking water metals testing. There are only four other laboratories on the Western Slope that are certified to analyze metals for drinking water and the District's lab and will be the only certified lab within an 80-mile radius.

FIELD OPERATIONS

Niko Nemcanin

On Nov. 9, a horizontal drilling contractor inadvertently drilled through a water main near West Beaver Creek Blvd. in Avon. A two-foot section of the main was damaged when the drill bit pierced the top of the pipe. The damaged section of pipe was removed and replaced on Nov. 10. To prevent future similar incidents, the District and Town of Avon staff are currently collaborating to strengthen right-of-way permitting requirements for underground utilities, improve contractor oversight during construction activities, and enact stricter penalties for permit non-compliance.



West Beaver Creek Blvd. water main repair (damaged pipe left, completed repair right)

From Oct. 22 through Nov. 20, District staff partnered with a specialized contractor to install 1,260 feet of cured-in-place pipe (CIPP) within the sewer interceptor near the intersection of Highway 6 and Post Blvd. in Avon. The work specifically addressed sections of the interceptor pipe that were found earlier this spring to be damaged and partially-obstructed by roots. In addition to installation of the CIPP, another 944 feet of the adjacent interceptor pipe segments were cleaned, video-inspected, and root-controlled. The rehabilitation activities are expected to greatly reduce the risk

of surcharge in the interceptor during the 2025 inflow and infiltration (I&I) season. A comprehensive update will be provided at the upcoming Board meeting.

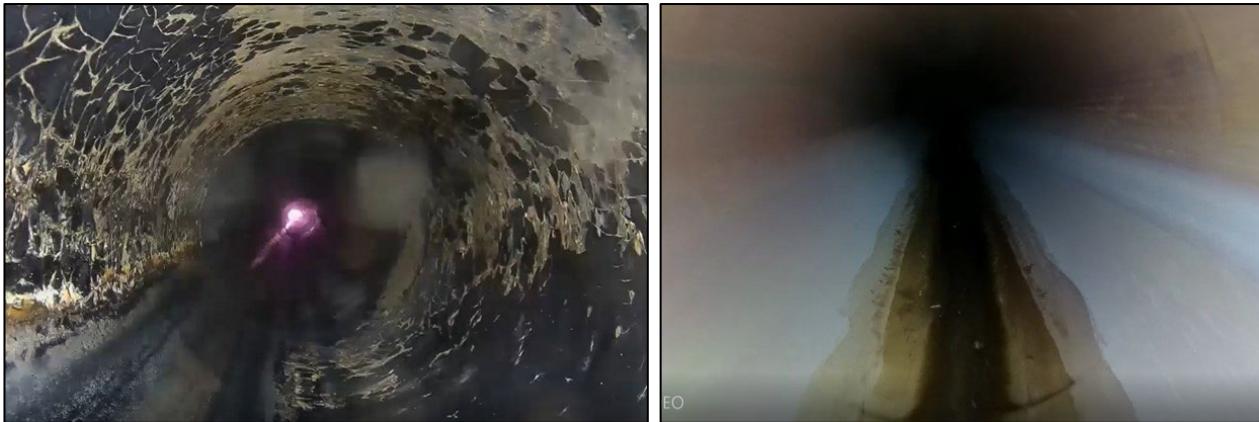


*Avon sewer interceptor construction activities
(bypass piping left, CIPP liner installation right)*



*Avon sewer interceptor rehabilitation
(damaged pipe before repairs left, rehabilitated pipes with CIPP liners right)*

On Nov. 8, a warranty repair was completed on the Minturn Interceptor aerial crossing. The original interior pipe coating was found to have failed during the two-year warranty inspection. The repair involved installation of a new CIPP liner.



*Minturn interceptor aerial crossing rehabilitation
(failed interior pipe coating right, completed rehabilitation right)*

UTILITY SERVICES

Shane Swartwout

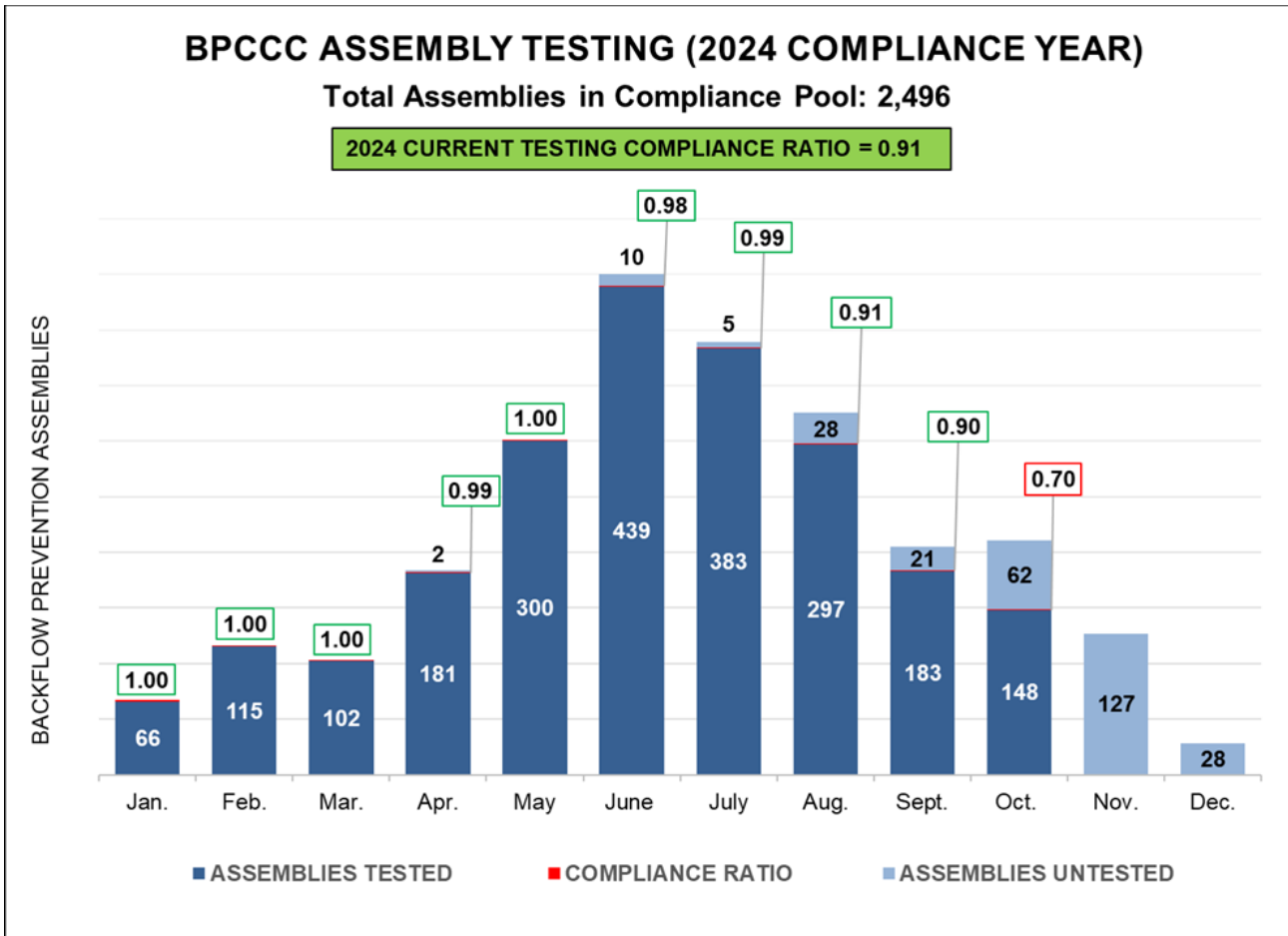
Meter Services

The Meter Services team is continuing its effort to change out non-AMI meters. A progress report is provided below.

Report Date:	11/15/2024		
AMI SYSTEM STATUS	ERWSD	UERWA	TOTAL
(1) Total No. of Meters	3205	6910	10115
(2) No. of AMI Meters	3205	6564	9769
(3) System Percentage of AMI Meters	100%	95%	97%
Meters Remaining to Reach 100% AMI	0	346	346
<i>Advanced Metering Infrastructure (AMI) Status (Updated 11-15-2024)</i>			

BPCCC Program

The BPCCC team has successfully achieved the required testing compliance ratio of 0.90 for both the District and the Authority for the 2024 compliance year. Annual compliance was achieved by the earliest date in the history of the program. To further improve program efficiency, the team is asking customers that have assemblies due for testing in November or December to postpone testing until early 2025. This is part of a long-term strategy aimed at moving annual testing deadlines to earlier in the compliance year, thereby reducing the concentration of assemblies due in the later months. A detailed progress update is provided below.



CAPITAL IMPROVEMENT PROGRAM (CIP)

Jeff Schneider

WATER PROJECTS

Cordillera West 1 Water Storage Tank Rehabilitation

Kevin Nelson

General Project Scope: The Cordillera West 1 Water Storage Tank is a 400,000-gallon, above-ground, steel tank. The project scope involves sandblasting and recoating the tank surfaces, installing a cathodic protection system, and various improvements to the vent, hatch, and overflow/drain systems.

Project Update: The rehabilitation work on the interior of the tank, including floor patch repairs, a new weir box, and full recoating was completed on Nov 6. The tank was placed back in service on Nov. 18, while additional work on the exterior continues. The contractor will complete the application of the new coatings to the exterior tank roof and exterior walls prior to suspending work for the winter. The remaining site work, including installation of the new overflow pipe and replacement of the retaining wall, will resume in the spring.



Cordillera West Tank 1 interior re-coating (before left, after right)

Arrowhead Transmission Main

Mark Mantua

General Project Scope: This project includes the replacement of approximately 2,200 linear feet of 16-inch diameter water main from the base of Arrowhead Mountain to Arrowhead Tank 1. The existing pipe is badly corroded. The project also includes installation of a new valve control vault that will optimize tank filling and balance tank levels in the low-pressure zone.

Project Update: A total of 1,600 linear feet of the watermain was installed and commissioned this year. The project has been suspended for the winter and work will resume next spring. The remaining work includes installation of 500 linear feet of pipe and a valve vault that will provide improved operational control of Arrowhead Tank 1.

Wildridge BPS, PRV, and Tank Improvements

Carter Keller

General Project Scope: This project addresses high priority recommendations from the 2020 Distribution System Master Plan and involves improvements to the pumping, storage, and pressure regulating facilities in the Wildridge service area. The scope includes mechanical, electrical, structural, architectural, and electrical improvements at multiple sites, including installation of an on-site emergency generator at Wildridge Booster Pump Station (BPS) 1.

Project Update: The rehabilitation work at BPS 1 that was scheduled to begin in November has been rescheduled due to a combination of unforeseen contractor and equipment delays. Construction activities have been suspended for the winter and will resume early spring.

WASTEWATER PROJECTS

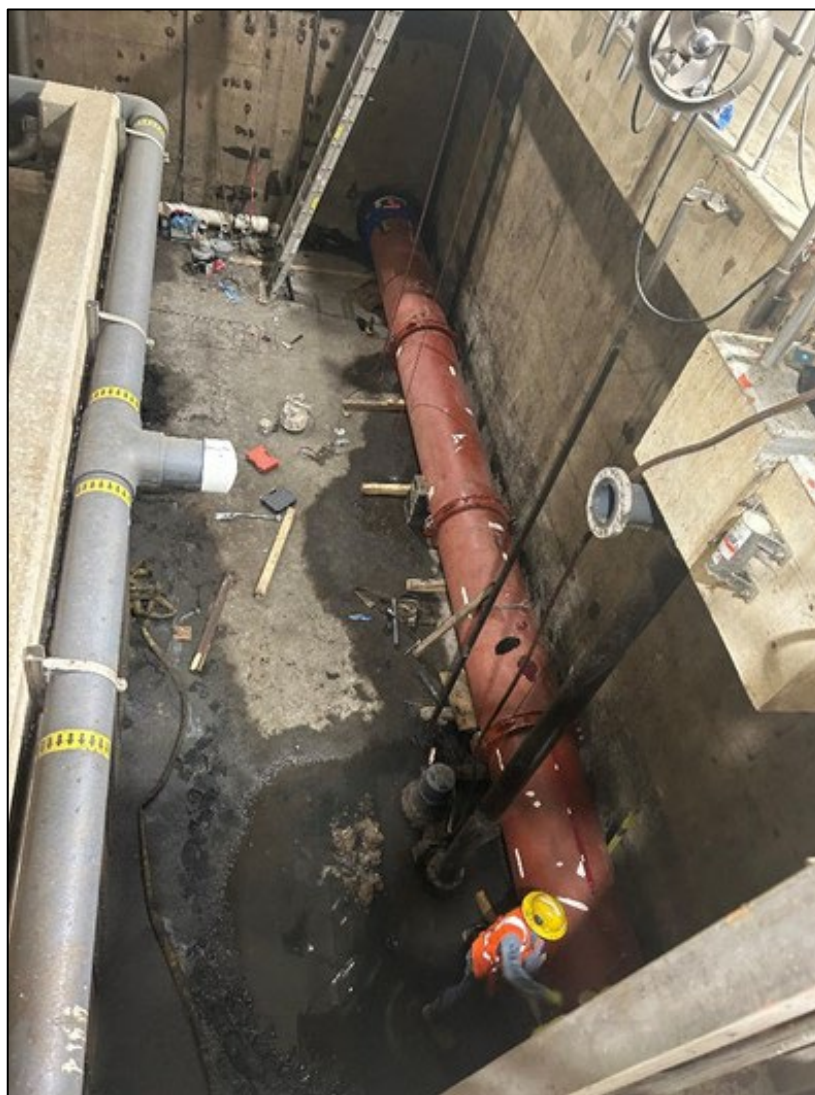
Vail Wastewater Treatment Facility (VWW) Master Plan Improvements

Mark Mantua

General Project Scope: A condition assessment of the VWW was conducted as part of the 2017 wastewater masterplan. The assessment identified several critical upgrades that are required to

keep the facility in reliable and operable condition. The scope of this project includes installation of a new, larger diesel generator, structural repairs in the aeration basin, equalization, and clarifier rooms, replacement of the aging ultraviolet (UV) system, and construction and installation of an external facility bypass.

Project Update: The asbestos mitigation work in the has been completed. The 30-inch mixed liquor pipe in Aeration Basin 3 was replaced and commissioned. The contractor is currently working to install the new non-potable water lines and a new intake louver for the furnace. Electrical and controls work is ongoing for the blowers and facility power monitoring equipment. Multiple equipment startups, including the new generator and UV disinfection systems, are scheduled for late November through early December.



*Mixed liquor pipe replacement at VWW
(new pipe shown on right side of photo)*

Edwards Wastewater Treatment Facility (EWW) Nutrient UpgradeJenna Beairsto
Madeleine Harris

General Project Scope: The EWW must be upgraded to meet Regulation 85 nutrient limits for final total inorganic nitrogen (TIN) and total phosphorus (TP). Expected improvements include renovation of the preliminary treatment equipment, primary bypass improvements, aeration basin modifications and expansion, blower replacements, chemical feed and storage improvements, return and waste activated sludge (RAS/WAS) pump replacements, centrate storage improvements, and HVAC and electrical upgrades. This project will also resolve existing hydraulic process constraints and address condition assessment needs identified in the Wastewater Master Plan. The project must be completed by the CDPHE compliance deadline of Jan. 1, 2029.

Project Update: A formal partnering session between the engineer, owner, and contractor was held on Oct. 23. The 30% design deliverable was submitted by the engineer on Oct 30. Additionally, 60% design documents were submitted on Nov. 6 for early-out work that includes the gravity thickener rehabilitation and sitewide lighting improvements. The District's project team is performing design reviews for both sets of documents while the contractor works on its technical and constructability review and pricing. The 30% guaranteed maximum price (GMP) is anticipated back from the contractor the week of Dec. 16.

ADMINISTRATION PROJECTS

Eagle Vail Office (EVO) Improvements

Dan Duerr

General Project Scope: The project scope includes improvements to the roof, office space finishes, IT server room, and various mechanical, electrical, and plumbing (MEP) components, as well as the design and construction of a large conference room.

Project Update: The building and fire permits were approved by Eagle County and the Eagle River Fire Protection District, respectively. The structural, framing, and fire sprinkler work has started in the Operations Manager's offices and the future conference room area. Plumbing, HVAC, and electrical work is scheduled to begin in late November and will continue through January 2025.



Eagle Vail Office framing and fire sprinkler installation



MEMORANDUM

TO: District and Authority Boards of Directors
FROM: Jason Cowles, P.E. and Justin Hildreth, P.E.
DATE: November 20, 2024
RE: Engineering & Water Resources Report

Development Report

An updated copy of the Development Report is attached. There are no new development applications to report this month.

Bolts Lake Redevelopment Project Update

An updated program management progress report from Black & Veatch is included in your packet. AECOM is ramping up on the project and will conduct a site visit on Friday, November 22. Survey work may be postponed until spring due to recent snowfall, but existing information is expected to be adequate for wrapping up the preliminary design work for the National Environmental Policy Act (NEPA) permitting process.

On the funding side, we were contacted by the United States Bureau of Reclamation (USBR) regarding our feasibility study submittal for the Small Storage Program Grants. USBR staff indicated that review comments would be forthcoming, but that our feasibility study would not be accepted for the December 2024 application window. There will be a second round to apply for the program in July 2025. We will need to address their review comments and resubmit the study by April 30, 2025, to be eligible to apply for the second round. We will evaluate next steps with Black & Veatch and The Ferguson Group once we are in receipt of USBR's comments.

We also met with Colorado Water Conservation Board (CWCB) Staff to discuss an application for a Colorado Water Plan Storage Project grant to assist with funding for the environmental permitting phase of the project ahead of the CWCB's December 1 deadline. CWCB Staff reiterated their support of the project, and it's fit for the program while recommending that we apply in July 2025 once the lead agency is determined and National Environmental Permitting Act (NEPA) scope is better understood. This will ensure that we have a competitive application and maximize funding. Under the terms of the Water Plan Grant Program, CWCB cannot reimburse us for previously expended funds, but we can apply funds expended on this phase of the project to the required matching funds for the grant. We are prioritizing updating our draft purpose and need documentation and initiating contact with the Federal agencies during December and January.

Attachments:

1. Authority Unallocated In-Basin Supply, November 2024
2. ERWSD and UERWA New Development Reports, November 2024

Water Resources Report

Justin Hildreth

Drought Conditions

On November 12, 2024, the U.S. Drought Monitor for Colorado (Figure 1) prepared by the National Drought Mitigation Center (NDMC) classified most of Eagle County as not experiencing drought except the far eastern portion which is abnormally dry. Eagle County has not been classified as above an abnormally dry condition since January 2023 (Figure 2). The NDMC classified the northern front range as severe to exceptional drought conditions. The recent storms delivered significant moisture to the southern portion of the state and correspondingly that region is classified as not being in drought condition.

Figure 1: U.S. Drought Monitor – Colorado. November 12, 2024 (National Drought Mitigation Center)

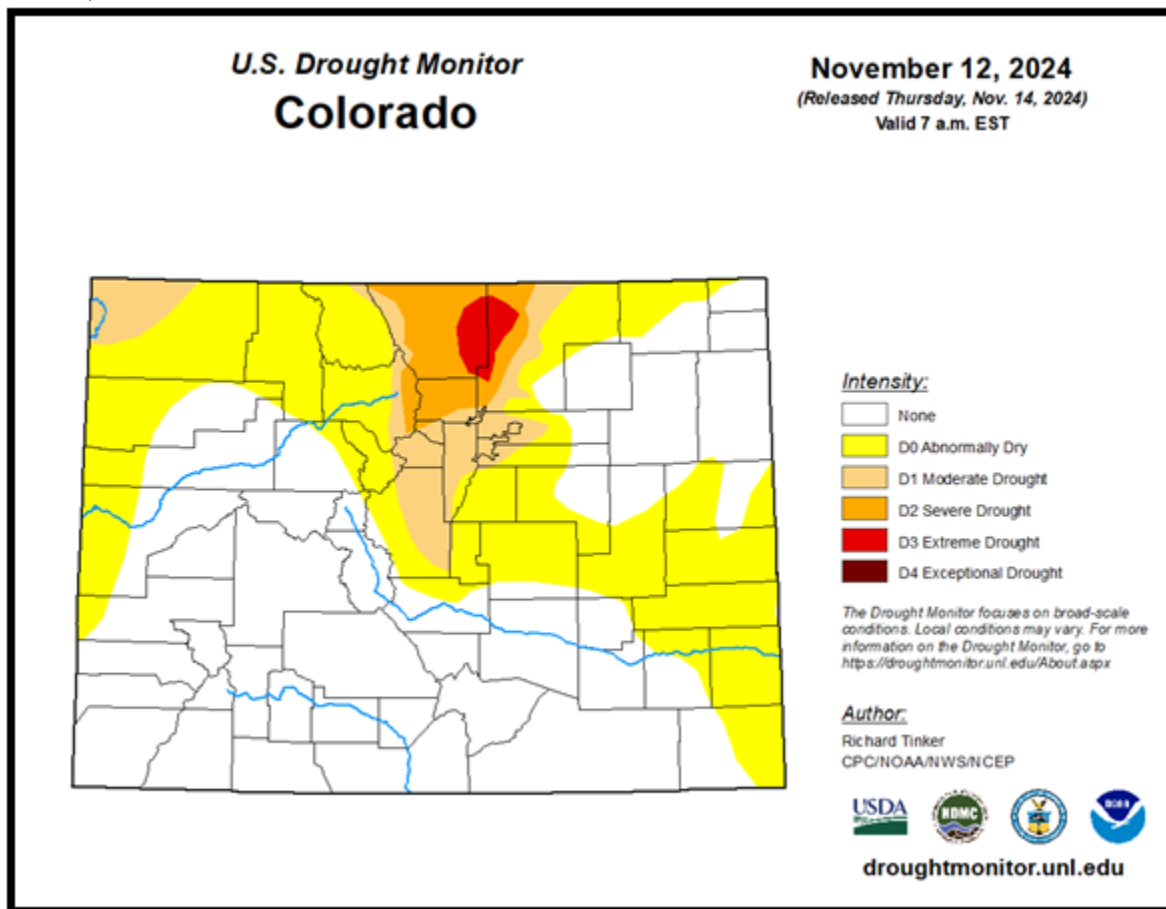
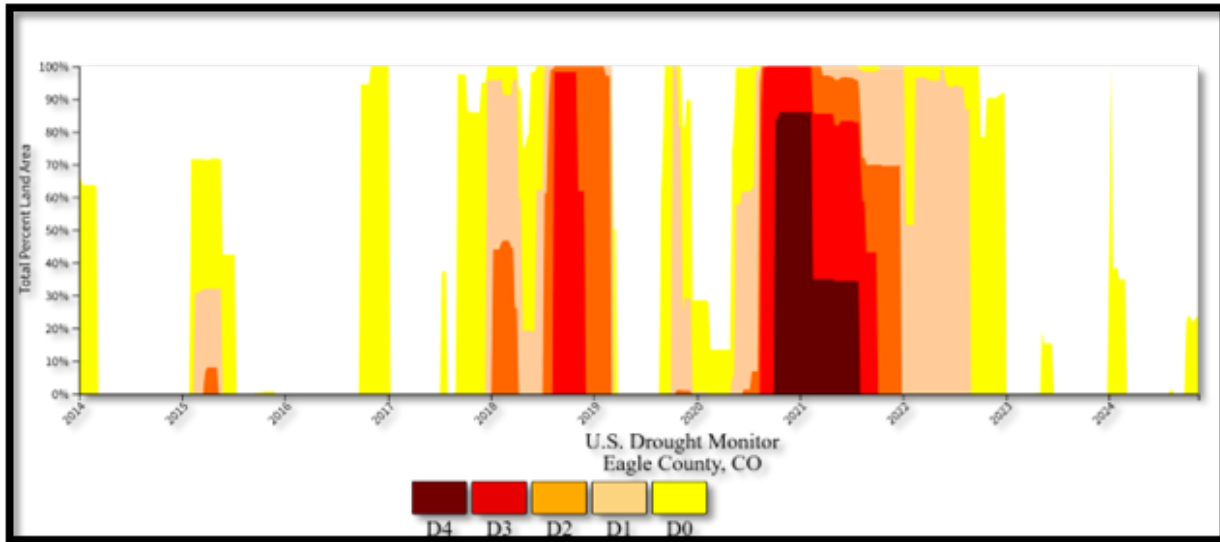


Figure 2: U.S. Drought Monitor – Eagle County, Colorado from 2014 to 2024. November 18, 2024 (National Drought Monitor Center)



Temperature and Precipitation Forecasts

Figures 3 and 4 show the current National Weather Service 8-to-14-day temperature and precipitation outlooks. The 2-week outlook for Colorado indicates that the temperatures and precipitation will be leaning above normal. The seasonal 3-month temperature and precipitation outlooks, which are less accurate, indicate temperatures are likely above normal (Figure 5) and precipitation leaning below normal (Figure 6).

Figure 3: 8-14 Day Temperature Outlook – November 17, 2024 (NOAA/National Weather Service Climate Prediction Center)

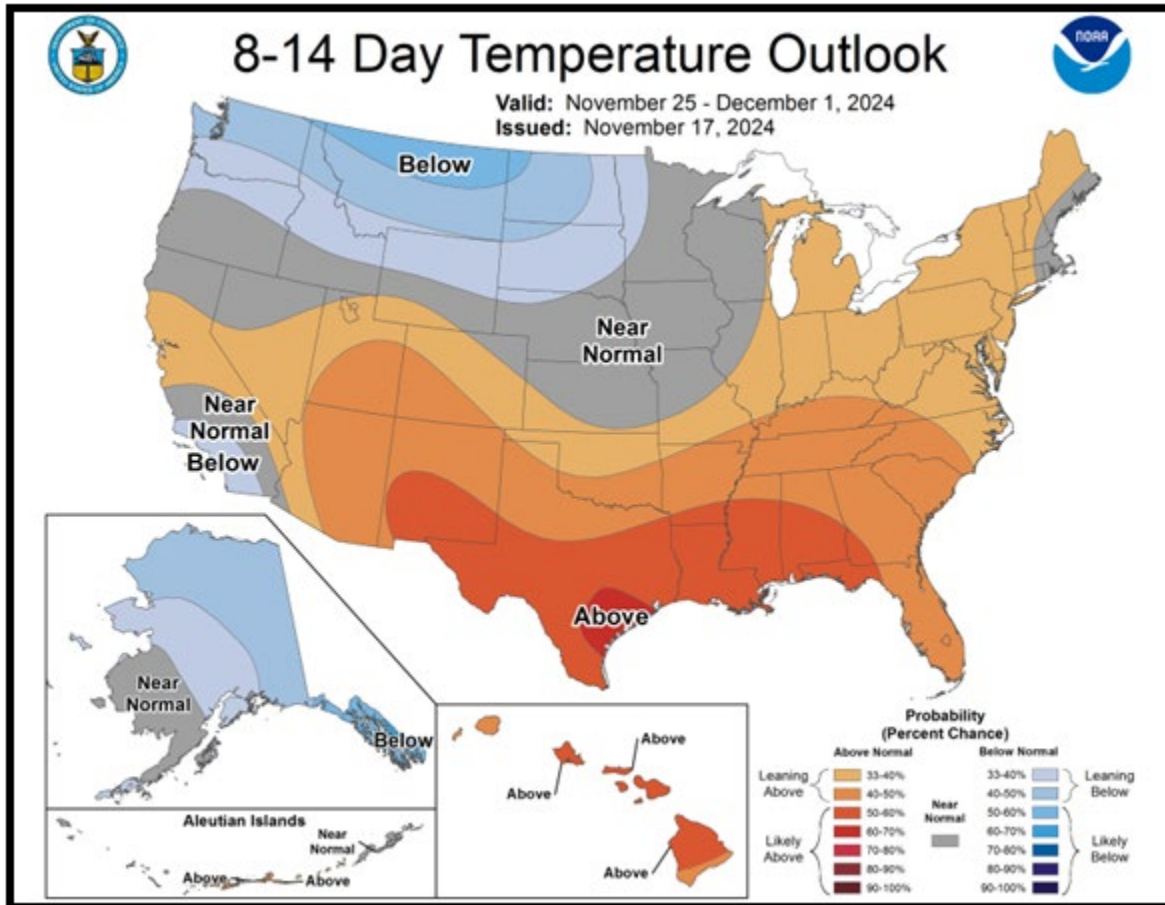


Figure 4: 8-14 Day Precipitation Outlook – November 17, 2024 (NOAA/National Weather Service Climate Prediction Center)

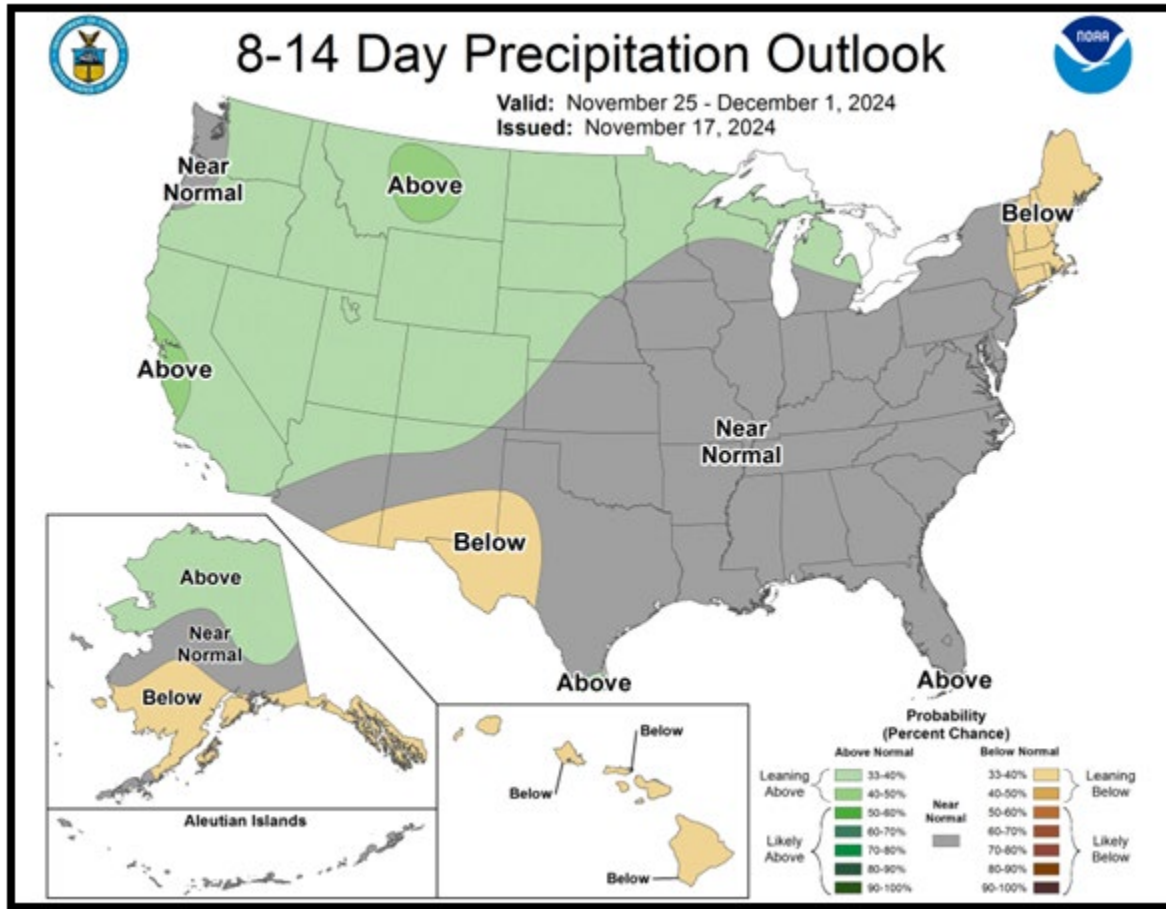


Figure 5: Seasonal Temperature Outlook – October 17, 2024 (NOAA/National Weather Service Climate Prediction Center)

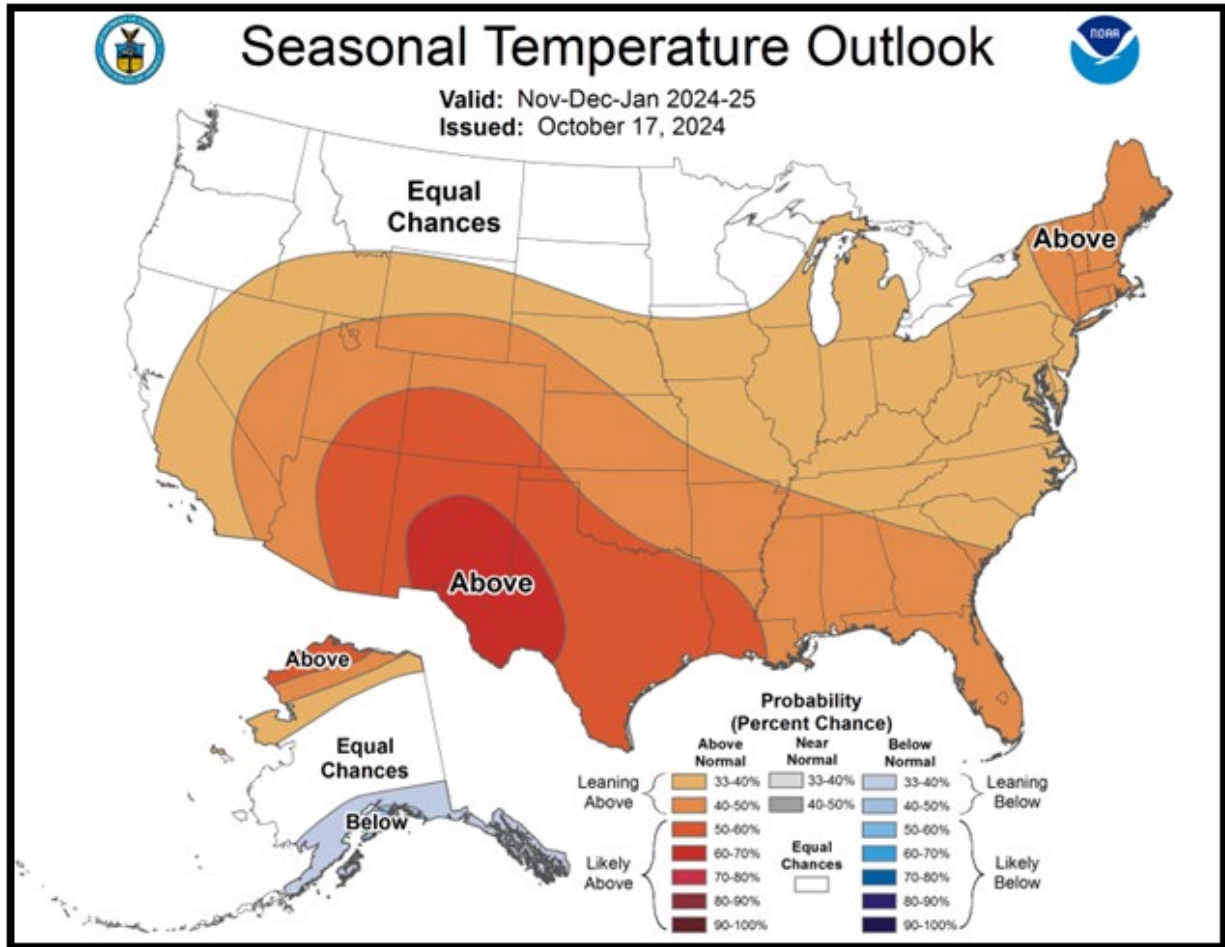
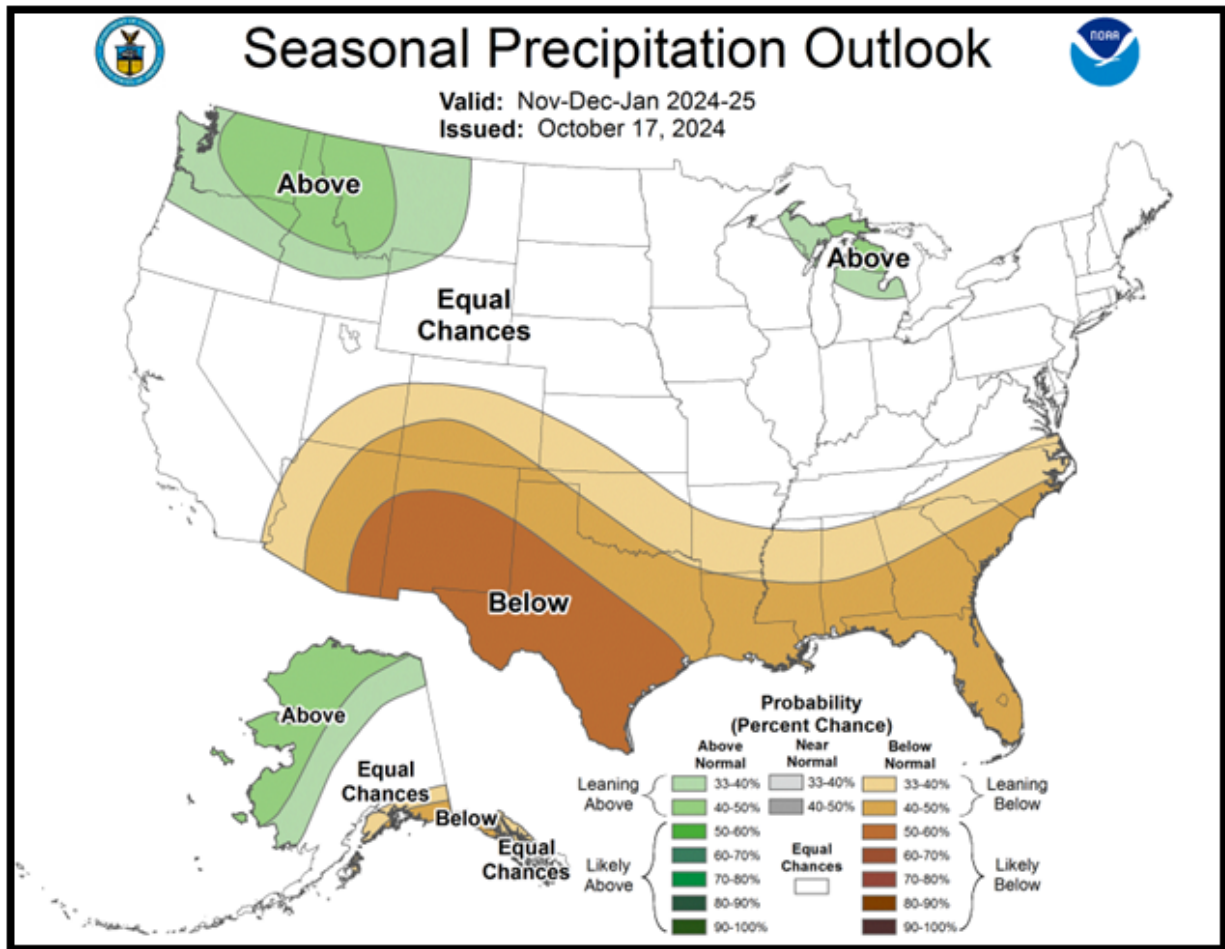


Figure 6: Seasonal Precipitation Outlook – October 17, 2024 (NOAA/National Weather Service Climate Prediction Center)



Precipitation Conditions

As of November 17, the Vail SNOTEL site (Figure 7) received 2.3” of precipitation which is below the median of 3.0”. The Fremont Pass SNOTEL site (Figure 8) received 3.6” of precipitation, which is above the median of 2.9”.

Figure 7: Precipitation at Vail Mountain SNOTEL Station, November 18, 2024 (USDA)

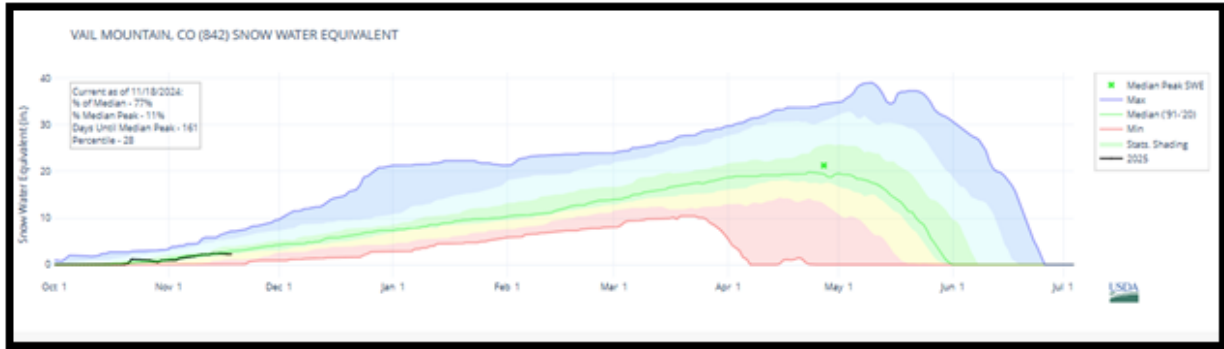
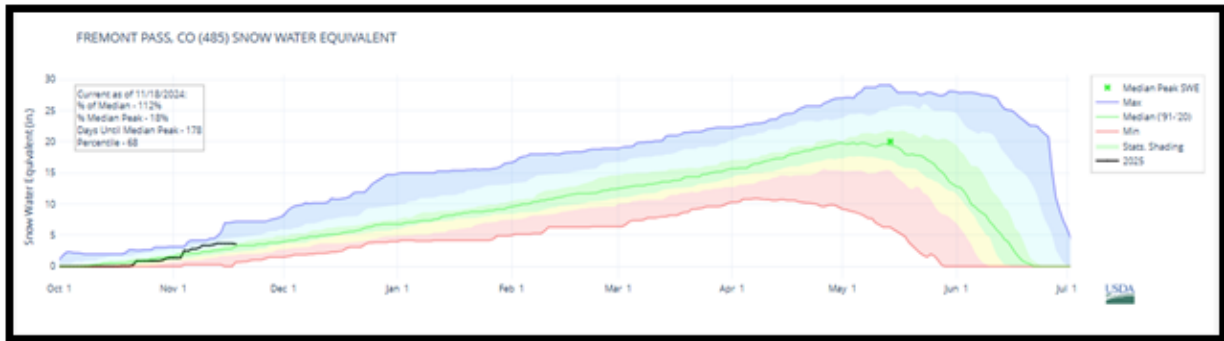


Figure 8: Precipitation at Fremont Pass SNOTEL Station, November 18, 2024 (USDA)



Streamflow

Figures 9, 10, and 11 display hydrographs from the Colorado Basin River Forecast Center (CBRFC) for Gore Creek above Red Sandstone Creek, the Eagle River at Avon, and the Colorado River at Dotsero, respectively. Warmer afternoon temperatures are causing daily peaks in streamflow at the Gore Creek and Eagle River gages as recently deposited snow melts. Flows in Gore Creek fluctuate between 14 cfs and over 30 cfs, comfortably exceeding the instream flow water right of 6 cfs. Similarly, the Eagle River at Avon fluctuates between 41 cfs and 75 cfs, well above its instream flow water right of 35 cfs. The CBRFC projects that streamflows will remain near these levels over the next few weeks.

Figure 9: Forecast Hydrograph, Gore Creek above Confluence with Red Sandstone Creek, November 18, 2024 (CBRFC)

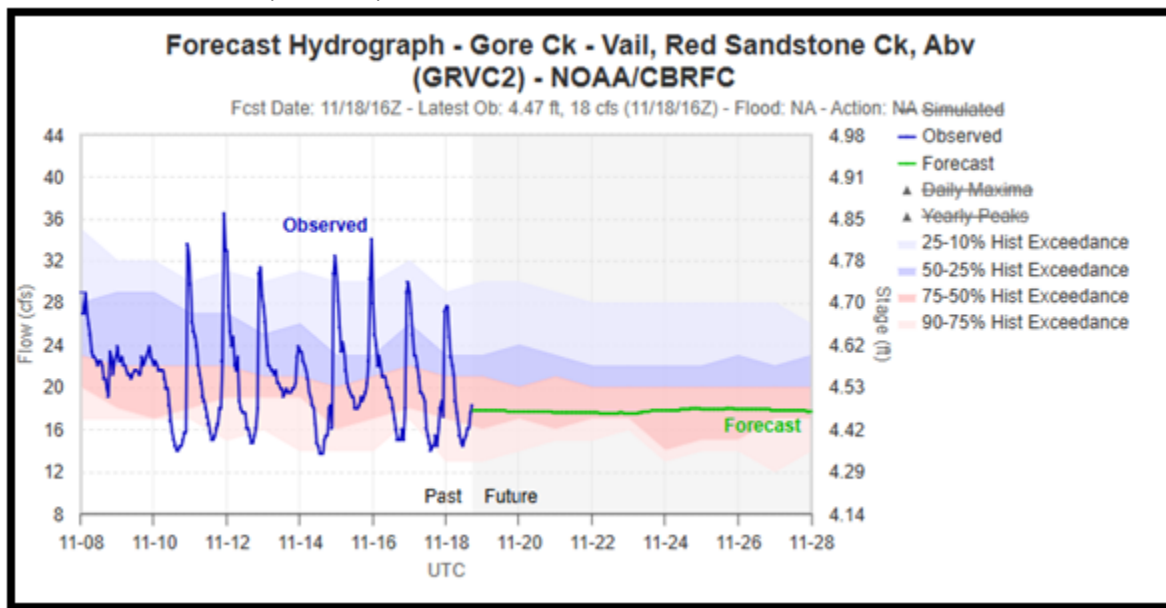


Figure 10: Forecast Hydrograph, Eagle River at Avon, November 18, 2024 (CBRFC)

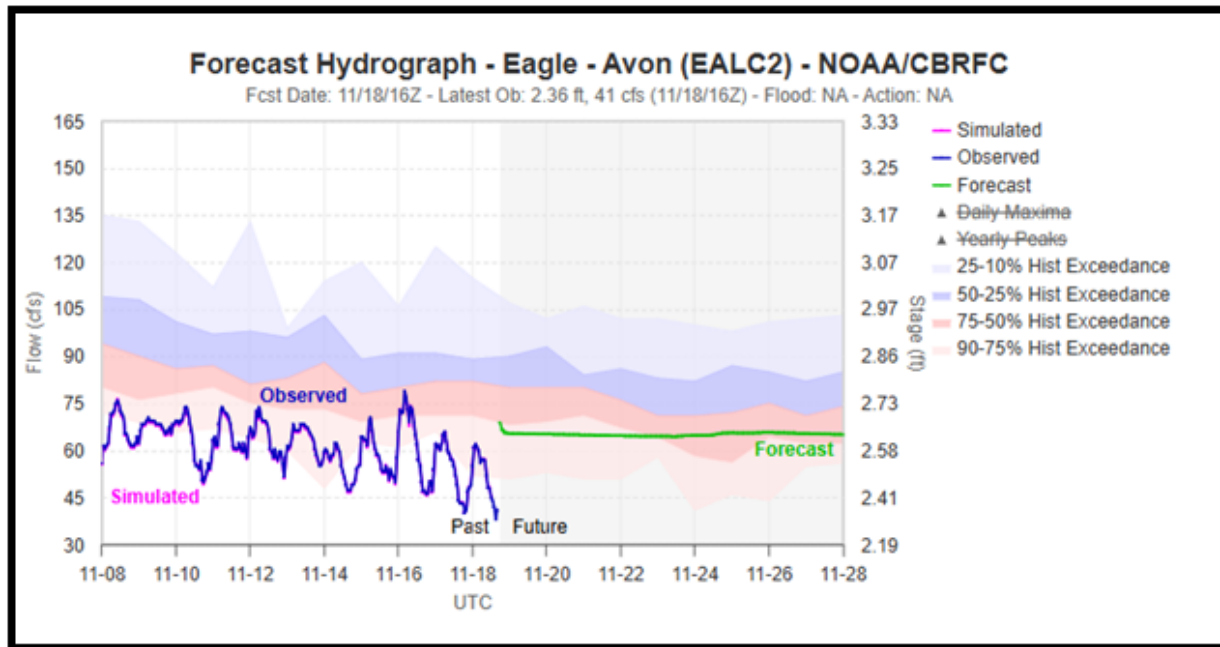
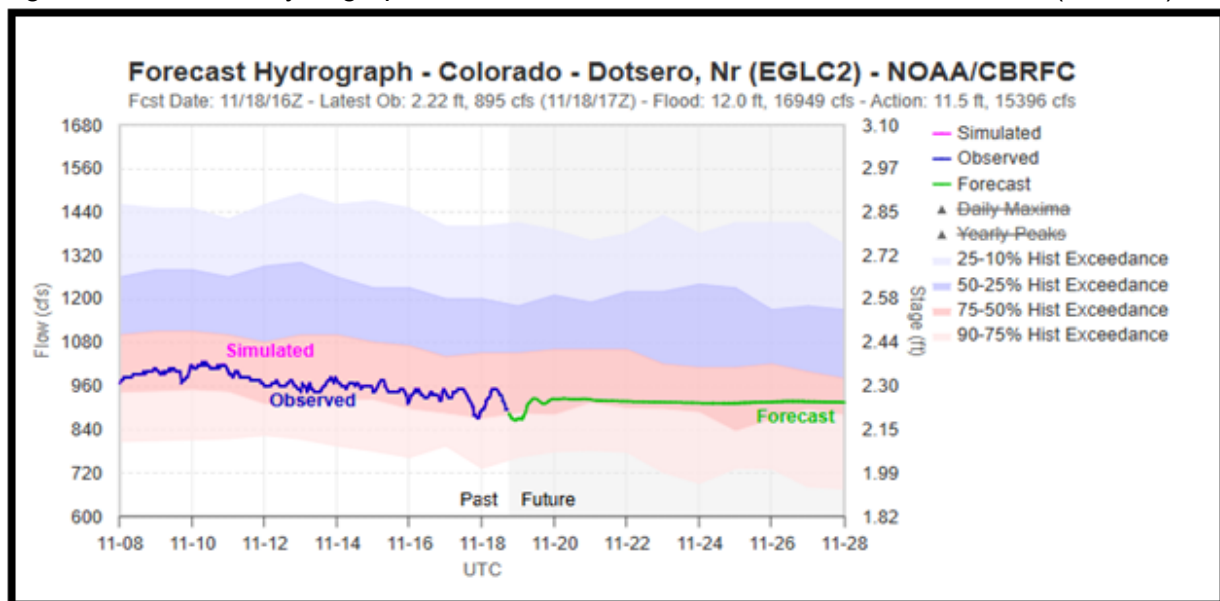


Figure 11: Forecast Hydrograph, Colorado River at Dotsero, November 18, 2024 (CBRFC)



Reservoir Volumes

Table 1 summarizes the reservoir storage accounts and indicates that the reservoir storage accounts are nearly full and expected to meet the District and Authority's needs for this winter season.

Table 1: District and Authority storage accounts for November 1, 2024 (Helton and Williamsen).

November 1, 2024 Volumes in Storage (acre-feet) and Percentages of Full:

Reservoir	ERWSD		UERWA		Total	
Green Mountain	934	100%	508.47	93%	1442.47	97%
Black Lakes	425	100%	300	100%	425	100%
Eagle Park	406.41	100%	740.12	98%	1146.58	99%
Homestake Res	250	100%	256.50	100%	506.50	100%
Wolford Mtn	500	100%	675.96	95%	1175.96	97%

*Homestake Year is currently set as July 1 to June 30.

Authority Unallocated In-Basin Storage Supply

Updated: 11/21/2024 by JEC

	In-basin Reservoir Storage, acft Affordable Housing Reserve ²	In-basin Reservoir Storage, acft Unrestricted ³
Available Unallocated In-Basin Storage¹	87.40	75.00
Dedication Requirements for New Projects		
State Land Board (Avon)	16.00	--
Eagle-Vail Presbyterian Church Employee Housing (Eagle County)	--	0.17
Eagle County Freedom Park Project (Berry Creek)	3.27	--
Cairns Townhomes (Edwards)	--	1.08
CMC Student Housing Building 3 (Edwards)	3.17	--
Total Pending Dedications	22.44	1.25
Remaining Unallocated In-Basin Storage	64.96	73.75

Notes:

1) Available Unallocated In-Basin Storage based on modeling for February 2023 Water Rights Report using Buildout Demands with Conservation and 95th Percentile Dry Year Hydrology under Median Climate Change Scenario. Pending developments that were included in the buildout demands include the West End PUD, the Edwards River Park PUD, the Margaux PUD, and the Warner Building Redevelopment.

2) Affordable Housing Reserve In-basin Reservoir Storage is Eagle Park water transferred to UERWA by Eagle County for water rights dedication requirements of housing projects subject to the terms of the Eagle Park Reservoir Stock Agreement between the Authority and Eagle County. Projects utilizing this water are subject to approval by the Authority and Eagle County.

3) Unrestricted In-basin Reservoir Storage includes 25 acft option purchased from ERWSD and 50 acft lease from the Colorado River Water Conservation District.

4) Water dedication requirements and sources are based on best available information and are subject to change.



ERWSD New Development Report, December 2024

Project Location	Type of Use	SFEs Proposed	Augmentation Requirement (acre-feet)	Application Initiation Date	Development Approval Process Step:	Construction Approval Process Step:
Cornerstone Project Vail	Mixed	32 + Com	N/A	July 11, 2024	N/A	1. Plan Review
Timber Ridge II Redevelopment Vail	Residential	302 (203.4 net increase)	2.3	July 25, 2023	4. Water Rights Allocation & Service Agreement	3. Under Construction
Maloit Park ECO School District Housing Minturn	Residential	137 (120 net increase)	N/A	July 21, 2023	N/A	1. Plan Review
Midtown Village PUD Minturn	Mixed	42 + Com	N/A	October 13, 2022	N/A	1. Plan Review
North Minturn PUD Minturn	Residential	36	N/A	October 10, 2022	N/A	3. Under Construction
Middle Creek Lot 4,5 Vail	Mixed	268	4.2	June 28, 2022	3. Conditional Capacity to Serve Letter	1. Plan Review
Wolcott PUD Wolcott	Mixed	360 + Com	TBD	May 11, 2022	0. Conceptual	0. Conceptual
Belden Place (1200 Block Main St) Minturn	Residential	39	N/A	December 23, 2020	N/A	32. Plan Approval
Highline (Double Tree Expansion) Vail	Residential	43.65	0.79	July 11, 2019	5. Ability to Serve Letter	2. Plan Approval
Alura (Miradoro) Vail	Residential	10	0.405	May 29, 2018	4. Water Rights Allocation & Service Agreement	3. Under Construction
Projects that have received Construction Acceptance						
VVMC Phase II-East Wing, Vail Marriot Residence Inn, Residences at Main Vail						
Development Approval Process Steps:	1. Connection Application		2. Water Demand Worksheet Analysis	3. Conditional Capacity to Serve Letter	4. Water Rights Allocation & Service Agreement	5. Ability to Serve Letter
Infrastructure Acceptance Process Steps:	0. Conceptual		1. Plan Review	2. Plan Approval	3. Under Construction	4. Final Acceptance



UERWA New Development Report, December 2024

Project Location	Type of Use	Water Source	SFEs Proposed	Augmentation Requirement (acre-feet)	Application Initiation Date	Development Approval Process Step:	Construction Approval Process Step:
JLT Valley LLC Carwash Edwards	Commercial	Unallocated	1.5	TBD	October 9, 2024	1. Connection Application	0. Conceptual
CMC Student Housing Building 3 Edwards	Residential	Eagle County Agreement	36	3.17	May 7, 2024	1. Connection Application	1. Plan Review
State Land Board Parcels Unincorporated ECO	Mixed	Eagle County Agreement	700 Units + 60,000 SF Com	16	August 7, 2023	2. Water Analysis	0. Conceptual
Eagle River Presbyterian Church Housing Unincorporated ECO	Residential	Unallocated	2	0.17	June 20, 2023	3. Cond. Capacity Expires October 24, 2024	1. Plan Review
West Riverview (formerly Cairns) Edwards	Residential	Unallocated	9	1.18	June 7, 2023	3. Cond. Capacity Expires May 13, 2025	0. Conceptual
Eagle County - Freedom Park Project Edwards	Mixed	Eagle County Agreement	20 + Com	3.27	May 22, 2023	4. Water Rights Allocation & Service Agreement	3. Under Construction
North Road Project Traer Creek	Access Road	N/A	N/A	N/A	May 10, 2023	N/A	4. Construction Acceptance
Margaux PUD Edwards	Residential	Unallocated	32	3.56	October 11, 2021	3. Cond. Capacity Expires October 9, 2024	0. Conceptual
Edwards River Park PUD Edwards	Mixed	Unallocated	440	60.85	December 2, 2016	3. Cond. Capacity Expires February 2025	1. Plan Review
Projects not requiring or that have completed Water Rights Dedication							
Prime West Apartments	Residential	Traer Creek Water Service Agreement	242		May 13, 2024	5. Ability to Serve Letter	1. Plan Review
130 W BC BVLVD Hotel Avon	Residential	Avon SFE Guarantee	80		March 20, 2024	N/A	0. Conceptual
Vail Valley Foundation Childcare Center Traer Creek	Mixed	Traer Creek Water Service Agreement	TBD		October 13, 2023	1. Connection Application	0. Conceptual
Slopeside Housing Avon	Residential	Avon SFE Guarantee	TBD		October 5, 2023	1. Connection Application	0. Conceptual
140 W BC BVLVD Hotel Avon	Residential	Avon SFE Guarantee	79		May 16, 2023	N/A	1. Plan Review
Tract Y- Metcalf Road Avon	Residential	Avon SFE Guarantee	53		February 16, 2023	5. Ability to Serve Letter	3. Under Construction
McGrady Acres Avon	Residential	Avon SFE Guarantee	24		August 5, 2021	5. Ability to Serve Letter	4. Construction Acceptance
Warner Building 2 Conversion Eagle-Vail	Residential	Unallocated	13.6	0.07	March 16, 2018	5. Ability to Serve Letter	N/A
West End PUD Amendment Edwards	Residential	Unallocated	275	28.38	February 27, 2019	5. Ability to Serve Letter	1. Plan Review
Projects that have received Construction Acceptance							
CMC Student Housing , ECO School District Housing, Frontgate, Maverik Gas Station, NorthStar PUD, Piedmont Apartments, Avon Dual Brand Hotel Traer Creek - Tract J, Fox Hollow PUD							
Development Approval Process Steps:	1. Connection Application			2. Water Demand Worksheet Analysis	3. Conditional Capacity to Serve Letter	4. Water Rights Allocation & Service Agreement	5. Ability to Serve Letter
Infrastructure Acceptance Process Steps:	0. Conceptual			1. Plan Review	2. Plan Approval	3. Under Construction	4. Construction Acceptance



MEMORANDUM

Subject:	Board Update – November progress	Date:	11/19/24
Client:	Eagle River Water and Sanitation District and Upper Eagle Regional Water Authority	Project No.:	419055
Project Name:	Bolts Lake Redevelopment Program	File No.:	14.1200
From:	Ben Johnson		

The purpose of this memo is to provide an update on the status and progress of the Bolts Lake Redevelopment Program. The table below provides a snapshot of the work completed in the last month, upcoming milestones, and important next steps in key focus areas.

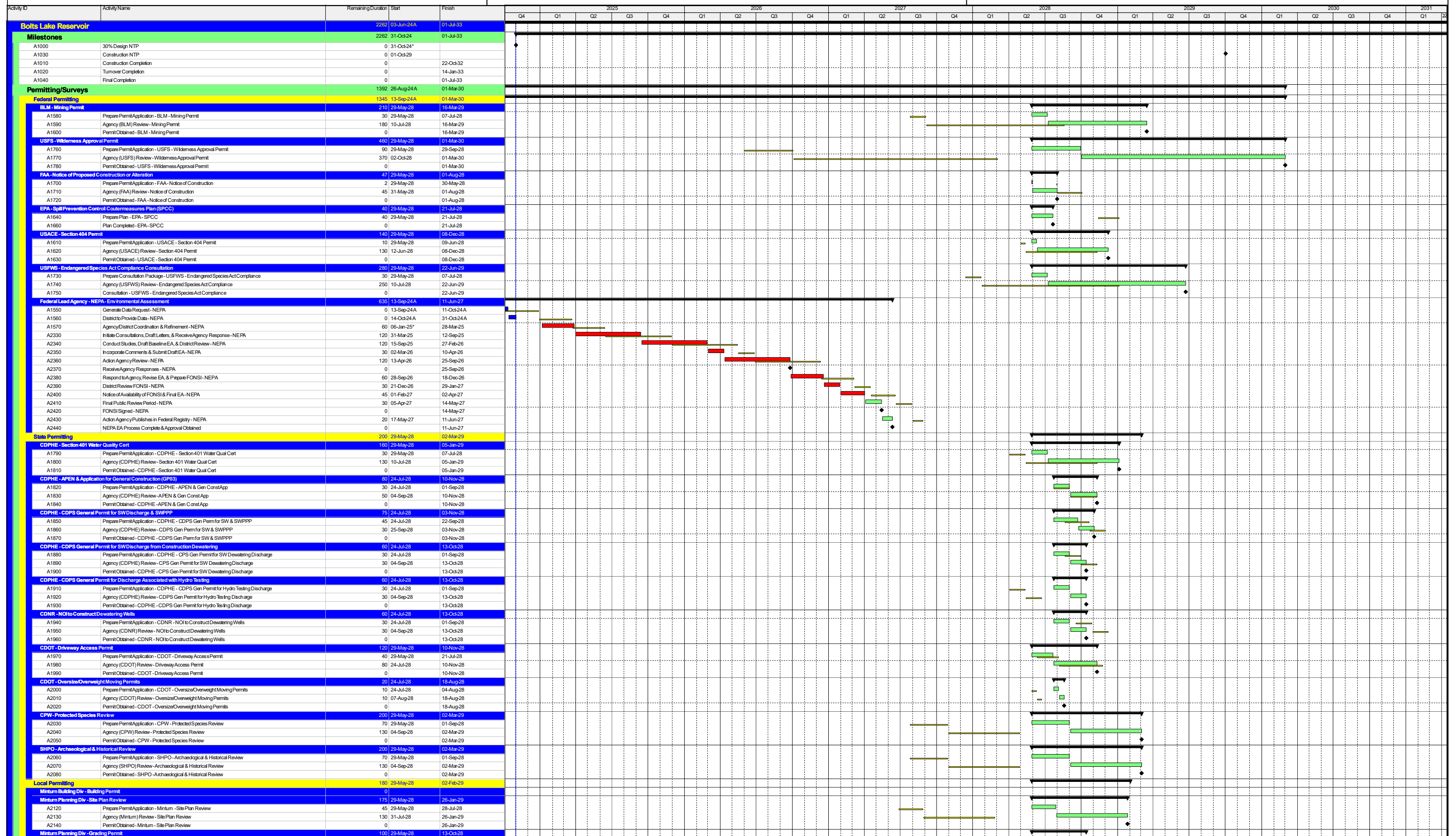
Category	Recent Progress	Near Term Milestones	Next Steps
Program Management	Plans completed and active: <ul style="list-style-type: none"> Internal Communications Plan Procurement Plan Conflict Resolution Plan Document Control Plan Project Charter Quality Management Risk Management and Change Management Draft plans submitted to District for review: <ul style="list-style-type: none"> Public Outreach Involvement Plan 	Finalize program management plans: (November 2024) <ul style="list-style-type: none"> Stakeholder Management Plan Program Controls Succession Plan Cost Management Plan Property Easement Plan 	District review of program management plans, and finalize plans when comments are received
Environmental Permitting	Field reports for biological resources and wetlands were reviewed and comments returned to subconsultant to finalize. First meeting to coordinate purpose and need statement with larger District team	Draft Purpose and Need Statement by LRE Water and Helton and Williamsen (end of November)	Review and comment on Draft Purpose and Need Statement
		Identify Lead Permit agency (January 2025)	Review cultural resources field memorandum (end of November)
		Initiate consultations with interested parties and stakeholders (February 2025)	Finalize biological resources and wetlands reports (end of December)
		Submit Draft Environmental Assessment to Lead	Contact Federal agencies regarding NEPA primacy

Category	Recent Progress	Near Term Milestones	Next Steps
		Permit Agency (September 2025)	
Technical	Progress meeting and logistics for topographic field survey.	AECOM deliverable: Technical Memorandum regarding diversion alternatives (January 2025)	Conduct topographic field survey (November 2024)
		AECOM deliverable: Technical Memorandum regarding dam embankment and liner alternatives (January 2025)	
		Design alternatives workshop (February 2025)	Begin design alternatives analysis
		AECOM Deliverable: Draft 30% Design documents for use in NEPA consultations (April 2025)	
Funding		Funding strategy identified (December 2024)	Review funding opportunities with Senator Bennet's office
		Grant and loan applications to execute funding strategy	TFG to complete Funding Opportunities Memorandum

In the next month (December), Black & Veatch will provide a schedule update, review design progress with AECOM, continue to provide program planning documents for district review, and finalize field reports from Pinyon Environmental for incorporation into the EA and stakeholder consultation. In addition, NEPA work will continue to focus on establishing contact with relevant Federal agencies and continue the discussion regarding which agency will lead the NEPA process. The team will work towards a purpose and need statement that will facilitate communication with permitting agencies and be incorporated into the draft Environmental Assessment.

Additional logic and more detailed activities have been added to the overall program schedule, accounting for some changes to the schedule against the baseline. State and Local permitting activities have been adjusted to follow the completion of the 60% design. This is the documentation that will be used to acquire permits. These activities also follow the completion of the Environmental Assessment. We are working with the design team to identify the appropriate time to start the 60% design, and the duration of the 60% design activity to further adjust the schedule in the coming months.

Bolts Lake Reservoir



Project Baseline Bar

Actual Work

Remaining Work

Critical Remaining Work

Milestones

Date

Revision

Checked

Approved

Bolts Lake Reservoir

Activity ID	Activity Name	Remaining Duration	Start	Finish	2025				2026				2027				2028				2029				2030				2031	
					Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1
A2150	Prepare Permit Application - Mintum - Grading Permit	30	29-May-28	07-Jul-28																										
A2160	Agency (Mintum) Review - Grading Permit	70	10-Jul-28	13-Oct-28																										
A2170	Permit Obtained - Mintum - Grading Permit	0		13-Oct-28																										
Mintum Planning Div - Floodplain Permit																														
A2180	Prepare Permit Application - Mintum - Floodplain Permit	30	24-Jul-28	01-Sep-28																										
A2190	Agency (Mintum) Review - Floodplain Permit	70	04-Sep-28	08-Dec-28																										
A2200	Permit Obtained - Mintum - Floodplain Permit	0		08-Dec-28																										
Mintum Planning Div - 1041 Permit																														
A2210	Prepare Permit Application - Mintum - 1041 Permit	50	29-May-28	04-Aug-28																										
A2220	Agency (Mintum) Review - 1041 Permit	130	07-Aug-28	02-Feb-29																										
A2230	Permit Obtained - Mintum - 1041 Permit	0		02-Feb-29																										
Mintum Building Div - Oversize/Overweight Moving Permit																														
A2240	Prepare Permit Application - Mintum - Oversize/Overweight Moving Permit	10	24-Jul-28	04-Aug-28																										
A2250	Agency (Mintum) Review - Oversize/Overweight Moving Permit	10	07-Aug-28	18-Aug-28																										
A2260	Permit Obtained - Mintum - Oversize/Overweight Moving Permit	0		18-Aug-28																										
Eagle County - Planning Div - 1041 Permit																														
A2270	Prepare Permit Application - Eagle County - 1041 Permit	50	29-May-28	04-Aug-28																										
A2280	Agency (Eagle County) Review - 1041 Permit	130	07-Aug-28	02-Feb-29																										
A2290	Permit Obtained - Eagle County - 1041 Permit	0		02-Feb-29																										
Eagle County - Building Div - Oversize/Overweight Moving Permit																														
A2300	Prepare Permit Application - Eagle County - Oversize/Overweight Moving Permit	10	24-Jul-28	04-Aug-28																										
A2310	Agency (Eagle County) Review - Oversize/Overweight Moving Permit	10	07-Aug-28	18-Aug-28																										
A2320	Permit Obtained - Eagle County - Oversize/Overweight Moving Permit	0		18-Aug-28																										
Biological Surveys																														
A2450	Wetland/Waters of the US Assessment	42	26-Aug-24A	27-Dec-24																										
A2460	Biological Resources Assessment	42	26-Aug-24A	27-Dec-24																										
A2470	Cultural Resources Survey & Report	42	26-Aug-24A	27-Dec-24																										
Engineering																														
A1510	Prepare RFP for Design Contract	0	03-Jun-24A	27-Jun-24A																										
A1520	Advertise Design Contract	0	28-Jun-24A	01-Jul-24A																										
A1530	Prepare Proposals for Design Contract	0	02-Jul-24A	02-Aug-24A																										
A1540	Review Proposals and Conduct Interviews for Design Contract	0	03-Aug-24A	05-Sep-24A																										
A1150	30% Final Design Development	152	15-Oct-24A	30-May-25																										
A1160	60% Final Design Development	300	05-Apr-27	26-May-28																										
A1350	SEO Review - 60% Final Design	40	29-May-28	21-Jul-28																										
A1170	90/100% Final Design Development	240	24-Jul-28	22-Jun-29																										
A1180	OPCC & Bid Phase	70	25-Jun-29	28-Sep-29																										
Procurement																														
Construction																														
Startup/Commissioning																														



MEMORANDUM

TO: Boards of Directors
FROM: Diane Johnson, Communications & Public Affairs Manager
DATE: December 5, 2024
RE: Communications and Public Affairs Report

2025 rate increase outreach

We are supporting the water conservation, customer service, and finance teams on the implementation of the new rate structures for Commercial, Mixed-Use, and Multi-Family accounts so customers understand the new billing methodology along with the rate increases. The [bill forecaster](#) has been updated on our website and customers may use this tool to see how these changes affect their account. Each customer account will receive an individualized billing comparison by mail in early December, which also points them to the online interactive bill forecaster. We are also developing outreach campaigns to two groups: one for Commercial, Mixed-Use, and Multi-Family accounts whose bill will noticeably change due to the new billing methodology, and another to Individually Metered Residential customers that used water in Tier 5 for 25% or more of the year.

Colorado River Operations

On Nov. 20, the US Bureau of Reclamation (USBR) released five management options for post-2026 operations of the Colorado River. As required by the National Environmental Policy Act (NEPA) there is a no action alternative along with four others, which are [summarized in this narrative](#) and labeled as:

- Alternative 1: Federal Authorities
- Alternative 2: Federal Authorities Hybrid
- Alternative 3: Cooperative Conservation
- Alternative 4: Basin Hybrid

The [alternatives development phase](#) began in fall 2023; each alternative will be analyzed in the Draft Environmental Impact Statement (DEIS). An operating plan must be in place by August 2026 to be ready for the start of 2027. A USBR news release and several media reports are linked below.

District in the news:

1. Nov. 14, Vail Daily: [Contractor error causes flooding, 22-hour weekend water outage in Avon](#)

Attachments (or hyperlinks):

1. Nov. 20, USBR: [Biden-Harris Administration Puts Colorado River on Path to Success](#)
2. Nov. 20, Colorado Sun: [Feds release highly anticipated options for managing overstressed Colorado River in coming years](#)
3. Nov. 20, LA Times: [Biden administration outlines options for addressing Colorado River water shortages](#)
4. Nov. 20, KUNC: [White House urges Colorado River states to pick up the pace of negotiations](#)
5. Nov. 19, KUNC: [Colorado River states are separated by a 'giant chasm' in negotiations](#)
6. Nov. 15, Aspen Journalism: [Officials say water conservation program harmed Grand Valley irrigators](#)



MEMORANDUM

TO: Board of Directors
FROM: Brian Thompson, Government Affairs Supervisor
DATE: November 22, 2024
RE: Potential 2025 Ballot Questions

The agenda for the Dec. 5 board meeting includes discussion on potential 2025 ballot questions. This memo provides a brief procedural overview; counsel and staff will provide more information verbally.

The District is required to hold a regular election on May 6, 2025, ("Regular Election") to fill four board seats (Director Districts 1, 3, 5, and 7) §1-13.5-11, C.R.S. In addition, the board can approve ballot questions to include on the Regular Election ballot. Ballot questions can be approved through the Resolution Calling for the Election (typically adopted in January) or through a formal vote any time prior to the ballot certification deadline, which will be sixty days before the Regular Election (Mar. 7, 2025) §1-13.5-511(1), C.R.S. The Regular Election may be canceled if (1) there are not more candidates than offices to be filled, and (2) all ballot questions are withdrawn through a board resolution any time prior to the election §1-13.5-513, C.R.S.

The Regular Election may be held by polling place or mail ballot, except elections that include a ballot issue under the Taxpayer's Bill of Rights ("TABOR"), such as a tax increase or new debt, must be conducted by mail ballot *Colo. Const., Art. X, §20(3)(b)*. Other organizational ballot questions may be included in a polling place election. At the July 25 board meeting, the board provided direction to hold the Regular Election by polling place due to the significant additional time and expenses required to hold a mail ballot election.

The District may also include questions on a coordinated election ballot. A coordinated election is a mail ballot election conducted by the County Clerk and Recorder ("County Clerk") on behalf of a local government in November, allowing multiple local governments to hold their elections on a single day through a single consolidated ballot. Local governments must comply with statutory procedures for coordinating with the County Clerk, including providing written notice no later than 100 days before the election §1-7-116, C.R.S. The dates of the next two upcoming coordinated elections are Nov. 4, 2025, and Nov. 3, 2026.

If the District participated in a coordinated election, the District would be responsible for creating a list of eligible electors (including non-resident property owners) and providing the list to the

County Clerk. The County Clerk would then be responsible for mailing a coordinated ballot with the District's ballot question(s) to these eligible electors. Residents that are not District electors would receive a different ballot without our question(s). The costs for administering the election would be split between all the local governments participating in the coordinated election. In addition to cost-sharing benefits, coordinated elections often garner higher voter engagement compared to individual local government elections because electors can address all their voting matters in one place and November elections tend to receive greater attention.

At the most recent board meeting, the board began discussing a potential ballot question extending director term limits. The Colorado Constitution restricts elected officials of a political subdivision from serving more than two consecutive full terms (not including partial or appointed terms) unless electors vote to lengthen, shorten or eliminate this term limit *Colo. Const. Art. XVIII, §11(1-2)*. District directors are subject to this Constitutional term limit. A question related to extending term limits could be included on the Regular District ballot. If there is no need to elect directors, the board may withdraw this question and cancel the Regular Election. This question could then be included on a future ballot (coordinated or regular election).

The board also discussed the need to pursue a general obligation bond to fund required upgrades to the regional wastewater facility in Edwards. Pursuant to TABOR, creating new debt through a general obligation bond would require voter approval through a mail ballot election. Based on board direction to hold the Regular Election by polling place, this question could not be included on the Regular Election ballot. This TABOR question could be included on a coordinated election ballot. In addition to the abovestated benefits of participating in a coordinated election, pursuing a TABOR question in November rather than May would allow more time for electors to be informed about the issue.