



**UPPER EAGLE REGIONAL
WATER AUTHORITY**

GOVERNED BY:

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

The Town of Avon

M E M O R A N D U M

TO: Board of Directors
FROM: Brian Thompson, Government Affairs Administrator
DATE: February 17, 2023
RE: February 23, 2023, Board Meeting

This memorandum shall serve as notice of the Regular Meeting of the Board of Directors of the Upper Eagle Regional Water Authority:

**Thursday, February 23, 2023
8:30 a.m.**

This meeting will be held in-person

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. In-person attendance is subject to public health protocols.

Input from members of the public is welcomed during the meeting's designated Public Comment 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.



**UPPER EAGLE REGIONAL
WATER AUTHORITY**

BOARD OF DIRECTORS REGULAR MEETING
February 23, 2023
8:30 a.m.
Walter Kirch Conference Room

GOVERNED BY:

The Metropolitan
Districts of:

Arrowhead

Beaver Creek

Berry Creek

EagleVail

Edwards

The Town of Avon

AGENDA

1. Introductions

2. Public Comment

3. Action Items

- 3.1. Approval of minutes from Jan. 26, 2023, Regular Meeting
- 3.2. Approval of minutes from Jan. 26, 2023, Regular Joint Meeting with ERWSD
- 3.3. 1041 intergovernmental agreement with Town of Minturn

Attachment Link

[Action Item](#)

[Action Item](#)

[Action Item](#)

4. Information Reports

- 4.1. Development report
- 4.2. Board committees
- 4.3. January meeting summary – draft
- 4.4. Contract log (none this month)

[Informational](#)

[Informational](#)

[Informational](#)

5. Board Member Input

6. General Manager Report – Siri Roman

- 6.1. GM information items
- 6.2. Business Administration report – David Norris
 - 6.2.1. Turf replacement rebate funding clarification – Tim Friday
- 6.3. Operations report – Brad Zachman
- 6.4. Engineering and Water Resources report – Jason Cowles
- 6.5. Communications and Public Affairs report – Diane Johnson

[Informational](#)

[Informational](#)

[Informational](#)

7. Water Counsel Report – Kristin Moseley

8. General Counsel Report – Kathryn Winn

[Confidential](#)

9. Executive Session

- 9.1. Motion to move into Executive Session pursuant to §24-6-402(4)(b) and (e), C.R.S., to receive legal advice and discuss matters in negotiation related to:
 - 9.1.1. 1041 intergovernmental agreement with Town of Minturn
 - 9.1.2. Water rights report

[Confidential](#)

[Confidential](#)

10. Any Action as a Result of Executive Session

11. Adjournment

**INTERGOVERNMENTAL AGREEMENT AMONG THE TOWN OF MINTURN, THE
EAGLE RIVER WATER & SANITATION DISTRICT AND THE UPPER EAGLE
REGIONAL WATER AUTHORITY FOR PERMITTING OF
BOLTS LAKE RESERVOIR**

This Agreement dated March 1, 2023 is among the Town of Minturn (“Minturn”), Eagle River Water & Sanitation District (“District”) and the Upper Eagle Regional Water Authority (“Authority”) (referred to individually as a “Party” and collectively as the “Parties”).

RECITALS

A. The Parties entered into that Intergovernmental Agreement dated February 2, 2022 (the “**February IGA**”), which, among other matters, required the Parties to enter into this Agreement.

B. The District is the owner of an historical reservoir property located within Minturn’s municipal boundaries which the District and Authority intend to construct into a storage reservoir (the “**Reservoir**”).

C. WHEREAS, The Town has, set forth in Article 25 of the Minturn Municipal Code (“MMC”) (the “**1041 Regulations**”), certain requirements and criteria related to the construction of major facilities of public utilities, such as the Bolts Lake Reservoir (MMC Sec. 16-25-30(3)). The formal permitting process under the 1041 Regulations can be fulfilled by entering into an intergovernmental agreement with an implementing governmental entity addressing the various requirements of the 1041 Regulations (MMC Sec. 16-25-40(8)). A copy of the 1041 Regulations as they existed at the time of the IGA are attached as **Exhibit B**.

D. The February **IGA** set forth certain terms related to the application of the 1041 Regulations to the Reservoir and required that the Parties enter into this Agreement.

E. This Agreement constitutes an intergovernmental agreement entered into to implement the 1041 Regulation requirements.

F. The Parties anticipate that compliance with the 1041 Regulations will be split into two segments, with Tier 1 to address outside agency compliance, and Tier 2 to address local construction impacts. In addition, the Project is subject to certain state and federal permitting requirements, which permits will satisfy a significant portion of the requirements pursuant to the 1041 Regulations.

AGREEMENT

1. Term of IGA Incorporated. The Parties hereby incorporate the terms of Section 9, Land Use Approvals, of the IGA into this Agreement.
2. Federal, State and Local Permits. The District and Authority will submit applications for, and must receive various federal, state and local permits as listed on **Exhibit A** (the “Agency Permits”). Receipt of the Agency Permits shall satisfy the 1041 Regulations including but not limited the review criteria set forth in Section 16-25-340 of the 1041 Regulations, except as specifically set forth herein.
 - a. Prior to submitting applications for any Agency Permit, the District and Authority will provide to Minturn copies of the Agency Permit application for review and comment. Minturn shall have 30 days from receipt of the application materials to submit comments to the District and Authority. If Minturn does not provide any comments within such time period, Minturn shall be deemed to have consented to the District and Authority submitting the application as presented. The District and Authority will incorporate Minturn’s comments, unless such comments create unreasonable delay or cost increases, as determined by the District and Authority in their sole discretion.
 - b. Minturn may participate in the National Environmental Policy Act (“NEPA”) process as a cooperating entity.
 - c. Minturn may independently submit comments and participate in any permit review process undertaken by a federal, state or local agency. Minturn will provide a minimum of 14 days’ notice to the District and Authority before submitting such comments. Minturn agrees to work in good faith with the District and Authority to address the substance of the Town’s comments and if a resolution is reached Minturn agrees to withdraw the comments, in whole or in part, from the permitting agency’s consideration.
 - d. Subject to receipt and Minturn’s review of applicable Federal permits, Minturn will submit a letter of support for the District and Authority’s application for a 1041 Permit from Eagle County for Bolts Ditch.
3. 1041 Permit.
 - a. The Parties anticipate that the District and Authority will submit a permit application pursuant to Section 16-25-250 of the 1041 Regulations (the “1041

Permit”) when the design for the Reservoir is approximately 80% completed, and prior to beginning construction of the Reservoir. Modification of the timeline for submittal of the application is in the District and Authority’s sole discretion, construction of the Reservoir will not be undertaken until a 1041 Permit has been issued by Minturn. Minturn agrees that the Agency Permits satisfy meaningful portions of the 1041 Permit requirements, and agree that the submission requirements are set forth in Section 4 herein.

- b. The Parties agree that once issued, the 1041 Permit shall be for a period of 10 years, as further set forth below.
 - i. If construction has not commenced within such 10-year period, the District and Authority may request an extension of the 1041 Permit for an additional 5 years. Any such extension will be brought before the Minturn Town Council for consideration and approval, denial, or approval with conditions; however, the Parties agree that the extension will not require a new public hearing. As part of the extension, the Parties will evaluate whether there are any new impacts to public health, safety and welfare that need to be addressed in the 1041 Permit.
 - ii. Once construction has commenced, the 1041 Permit shall be extended so long the planning, design, and construction of the Reservoir proceed diligently (“Construction Period”). Construction of the Reservoir shall be deemed to be diligent so long as there is not more than a 150 consecutive day period where no on-the-ground construction activities occur.
 - iii. Once the Reservoir is substantially complete, the 1041 Permit shall be valid for the life of the Reservoir. During the Construction Period, Minturn waives the ability to revoke or suspend the permit solely due to the time to start, take substantial steps to initiate the permitted activity, or complete the design, construction, or other work on the Reservoir. In addition, Minturn shall not require amendments to the 1041 Permit for changes that are consistent with the original intended scope and use of the Reservoir pursuant to Section 16-25-380(b) of the 1041 Regulations”.
 - c. Minturn consents to future transfers of the 1041 Permit to government successors of the District and/or Authority (as described in paragraph 14(a)). The District and/or Authority will provide notice of any such transfer to Minturn as soon as practicable.
4. 1041 Permit Submission Requirements. The District and Authority are subject to the permitting requirements per MMC Sec. 16-25-30(3) and 16-25-220(a) and will obtain a

permit from the Permit Authority. The application for the 1041 Permit shall encompass the following requirements of the 1041 Regulations:

- a. The District and Authority shall address the requirements contained in MMC Sections: 16-25-270 (1); (2) a., b., c.; (3) a., b., c., d., e., g., i., k.; (4)a.1 and 7.; (6); (8); (9) a., b., h.; (12); (17); (18); (19); (20); (21); (22); (23); (24); (25); (26); (27) and (28).
 - b. The District and Authority shall not address the requirements contained in MMC Sections: 16-25-270 (2) d and e; (3) f, h and j; (4) a. 2.-6.; (4) b and c; (5); (7); (9) c through g, i and j; (10); (13); (14); (15); and (16).
5. Application and Review Fees. In recognition of the significant regional benefit and specific benefits to Minturn from the Reservoir, Application fees for the 1041 Permit are waived. The District and Authority will reimburse the Town for its cost of outside legal, consultant or expert review of information submitted under provisions of the IGA and as part of the 1041 Permit application as provided in MMC Sec. 16-25-260(b), unless waived per MMC Sec. 16-25-260(c). However, as much of the review process will be satisfied by the Agency Permits, the Parties agree that the scope of the items to be reviewed by Minturn are those listed in Section 4(a) herein.
6. Permit Review and Processing.
- a. Prior to submitting a 1041 Permit application, the District and Authority will complete a pre-application conference as described in MMC Sec. 16-25-240.
 - b. Minturn may send the application out for referral comments as described in MMC Sec. 16-25-290. The Parties agree that appropriate outside review agencies could include the Colorado Division of Transportation, utility providers, and the Colorado Division of Wildlife. Homeowner's associations, and local governments such as municipalities and special districts are not intended to be identified as referral agencies.
 - c. In satisfaction of MMC 16-25-270(11), as part of its application materials the District and Authority shall submit a title commitment evidencing that there are no severed mineral rights associated with the property subject to receiving a 1041 Permit.
 - d. The Minturn Town Council shall conduct a public hearing to consider the 1041 Permit application. Minturn shall notice the public hearing on a Town Council agenda and shall publish once in a newspaper of general circulation at least 30 days prior to the public hearing. No notice by mailing nor posting shall be required.
 - e. The public hearing shall be conducted in accordance with the requirements of MMC Sec. 16-25-310 and 16-25-320 and approved only in accordance with the criteria identified in MMC Sec. 16-25-340.

- f. Once approved, the 1041 Permit shall be issued in accordance with MMC Sec. 16-25-350.
7. Building Permits. The District and Authority shall obtain building permits for structures as defined under the version of the International Building Code adopted by Minturn. Building permit fees for structures that are subject to building permit, if any, shall be assessed solely on the value of the structure requiring a building permit and not on the value of the Reservoir project as a whole. The District and Authority shall not be required to obtain design review approval as described in MMC 16-21-615. Furthermore, the Parties agree that construction of the following structures shall not be subject to building permits: dam, intake structure, pipelines, spillway, and outlet.
8. Agreement is All-Inclusive. 1041 Regulations not identified herein are agreed by the Parties to not be applicable. The Parties further agree that any changes to the 1041 Regulations adopted by Minturn after February 2, 2022 shall not apply to construction of the Reservoir.
9. No Financial Security. As part of issuing a 1041 Permit, Minturn shall not require that the District and Authority post any financial security for the construction of the Reservoir.
10. Remedies.
 - a. The terms of this Agreement shall be specifically enforceable.
 - b. Prior to enforcing in Court any remedy for breach of this Agreement, the party asserting that such a breach has occurred shall give the other party written notice thereof including a description of the alleged breach and citation to the relevant provisions in this Agreement. The party against whom a breach is asserted shall have fourteen (14) days after such notice is sent in which to cure the breach.
11. Defense of Permits. The parties agree to cooperate in the event of a legal challenge to a 1041 permit that has been issued. In the event of a legal challenge to a 1041 Permit, the provisions of MMC Sec. 16-25-260(d) shall control; however, nothing in MMC Section 16-25-260(d) or this Agreement shall be construed as a waiver of the District or Authority's right to recover attorney's fees and costs from any third party.
12. Recording. This Agreement and all exhibits attached to this Agreement shall be recorded in the records of Eagle County, Colorado.

Glenwood Springs, CO 81602
mjs@mountainlawfirm.com

With Copy To: Holland & Hart
600 Main Street #104
Aspen, CO 81611

If to District/Authority:

Eagle River Water and Sanitation District
Upper Eagle Regional Water Authority
Attn: General Manager and Director of Engineering & Water
Resources
846 Forest Road,
Vail, CO 81657
sroman@erwsd.org
jcowles@erwsd.org


With Copy To: Kathryn Winn, Esq.
Collins, Cole, Flynn, Winn & Ulmer
165 South Union Blvd., Suite 785
Lakewood, CO 80228
kwinn@cogovlaw.com

With Copy To: Kristin Moseley, Esq
Somach Simmons Dunn
2033 11th Street, Suite 5
Boulder, CO 80302
kmoseley@somachlaw.com

18. Construction. The parties represent that they have been represented by legal counsel in the drafting of this Agreement and that the parties have each had the full opportunity to participate in the drafting and review of the document. The parties agree that this Agreement shall not be interpreted or construed in favor of, or against, any party based upon such party being characterized as the “drafting party.”

Exhibit A

| FEDERAL PERMITS | |
|---|--|
| <u>TIER 1</u> | <u>TIER 2</u> |
| 404 Permit (USACOE/USFS/USEPA) | Work Plan Approval (USEPA) |
| Section 7 Consultation for Endangered Fish Recovery Program (US Fish & Wildlife Service, CPW) | |
| Historic Preservation Act/Cultural Clearance (USACOE) | |
| State Permits | |
| <u>TIER 1</u> | <u>TIER 2</u> |
| Section 401 Clean Water Act Permit (Colorado Water Quality Control Commission) | Construction Dewatering Permit (CDPHE) |
| | Construction Stormwater Management Permit (CDPHE) |
| | Air Pollution Control Permit (CDPHE) |
| | State Hwy Access Permit (CDOT) |
| | Dam Safety Division Design Review (Colorado Division of Water Resources) |
| LOCAL PERMITS | |
| <u>TIER 1</u> | <u>TIER 2</u> |
| Eagle County 1041 Permit (Eagle County) | Floodplain Permit (Town of Minturn) |
| | Union Pacific Railroad Right-of-Way Crossing Permit (UPRR) |

| UERWA New Development Report February 2023 | | | | | | | | | |
|---|---|---|------------------------------------|---|------------------------------|----------------------------|------------------------------------|-------------------------------------|--|
|  | | Type of Use | SFEs Proposed | Location | Existing Service Commitment? | Augmentation Requirement | Development Approval Process Step: | Construction Approval Process Step: | |
| | 140 W Beaver Creek Blvd (Extended Stay) | Residential | 97.5 | Avon | Yes | | N/A | 0. Conceptual | |
| | Avon Dual Brand Hotel(Traer Tract J) | Commercial | 85.05 | Traer | Yes | | 6. Ability to Serve Letter | 2. Plan Approval | |
| | CMC Student Housing (Phase I & II) | Residential | 72 | Edwards | Yes | | 6. Ability to Serve Letter | 2. Plan Approval | |
| | CVC Clubhouse Residences | Residential | 9 | Edwards | Yes | | 6. Ability to Serve Letter | 2. Plan Approval | |
| | ECO School District Housing | Residential | 37 | Edwards | Yes | | 6. Ability to Serve Letter | 2. Plan Approval | |
| | Edwards River Park PUD | Mixed Use | 440+com | Edwards | No | 70.2 | 3. Cond. Capacity | 0. Conceptual | |
| | Fox Hollow Amended PUD | Mixed Use | 108 | Edwards | No | 14 | 6. Ability to Serve Letter | 2. Plan Approval | |
| | Frontgate (CO World Resorts) | Mixed Use | 84 | Avon | No | 2.6 | 6. Ability to Serve Letter | 2. Plan Approval | |
| | Kudel Parcel | Residential | 4 | Edwards | No | 2.4 | 6. Ability to Serve Letter | 2. Plan Approval | |
| | Margaux PUD | Residential | 32 | Edwards | No | 3.56 | 3. Cond. Capacity | 0. Conceptual | |
| | Maverik Gas Station | Commercial | 2.6 | Traer | Yes | | 6. Ability to Serve Letter | 2. Plan Approval | |
| | McGrady Acres | Residential | 24 | Avon | Yes | | 6. Ability to Serve Letter | 2. Plan Approval | |
| | Mountain Hive | Residential | 110.5 | Edwards | No | 14.1 | 2. Water Analysis | 0. Conceptual | |
| | NorthStar PUD Amendment | Commercial | TBD | Edwards | No | 3.7 | 6. Ability to Serve Letter | 2. Plan Approval | |
| | Prime West | Residential | 241 | Traer | No | | 1. Connection Application | 0. Conceptual | |
| | Riverfront Lot 1 | Residential | 53 | Avon | Yes | | N/A | 2. Plan Approval | |
| | Riverwalk PUD Amendment | Residential | 18 | Edwards | No | 1.8 | 6. Ability to Serve Letter | N/A | |
| | Stolport Restaurant (Traer Tract J) | Commercial | TBD | Traer | Yes | | 6. Ability to Serve Letter | 1. Plan Review | |
| | Swift Gulch | Residential | 42 | Avon | Yes | | 1. Connection Application | 0. Conceptual | |
| | Tract Y- Metcalf Road | Residential | 53 | Traer | Yes | | 1. Connection Application | 1. Plan Review | |
| | Vogelman Parcel (Carwash) | Mixed Use | 1.5 | Edwards | No | 1.1-2.6 | 2. Water Analysis | 1. Plan Review | |
| | Warner Building 2 Conversion | Residential | 13.25 | Eagle-Vail | No | 0.07 | 3. Cond. Capacity | N/A | |
| | West End PUD Amendment | Residential | 275 | Edwards | Yes | | 3. Cond. Capacity | 1. Plan Review | |
| | Projects Completing Warranty Period | | | | | | | | |
| | 6 West Apartments, 185 Elk Tract, Piedmont Apartments, Riverfront Village, Stillwater | | | | | | | | |
| | Process | Construction Approval Process Steps: | 0. Conceptual | 1. Plan Review | 2. Plan Approval | 3. Acceptance | 4. Warranty Period | 5. Final Acceptance | |
| Development Approval Process Steps: | | 1. Connection Application | 2. Water Demand Worksheet Analysis | 3. Conditional Capacity to Serve Letter | 4. Water Rights Allocation | 5. Water Service Agreement | 6. Ability to Serve Letter | | |

ERWSD New Development Report

February 2023



| Eagle River Water & Sanitation District | | Type of Use | SFEs Proposed | Location | Existing Service Commitment? | Augmentation Requirement | Development Approval Process Step: | Construction Approval Process Step: |
|---|---|---------------------------|------------------------------------|---|------------------------------|----------------------------|------------------------------------|-------------------------------------|
| | 534 E Lionshead Circle - Elevation | Residential | 12 | Vail | No | 0.49 | 2. Water Analysis | 0. Conceptual |
| | 500 E Lionshead Circle - Legacy | Residential | 23 | Vail | No | 0.31 | 2. Water Analysis | 2. Plan Approval |
| | Alura (Miradoro) | Residential | 10 | Vail | No | 0.83 | 1. Connection Application | 2. Plan Approval |
| | Belden Place (1200 Block Main St) | Residential | 41 | Minturn | Yes | | N/A | 2 Plan Approval |
| | Booth Heights | Residential | 61 | Vail | No | TBD | 1. Connection Application | 0. Conceptual |
| | Highline (Double Tree Expansion) | Residential | 43.65 | Vail | No | 0.79 | 6. Ability to Serve Letter | 1. Plan Review |
| | Midtown Village PUD | Res + Com | 43.55 | Minturn | Yes | | 1. Connection Application | 1. Plan Review |
| | North Minturn PUD | Residential | 184 | Minturn | Yes | | N/A | 1. Plan Review |
| | The Residences at Main Vail | Residential | 72 | Vail | No | 0.81 | 6. Ability to Serve Letter | 2. Plan Approval |
| | Vail Mountain View Phase II | Mixed Use | 37 | Vail | Yes | | 6. Ability to Serve Letter | N/A |
| | VVMC Phase II-East Wing | Commercial | -- | Vail | Yes | | N/A | 4. Warranty Period |
| | Vail Marriott Residence Inn | Mixed Use | 75 | Vail | Yes | | N/A | 2. Plan Approval |
| | Wolcott PUD | Mixed Use | 328 + Com | Wolcott | No | TBD | 0. Conceptual | 0. Conceptual |
| | Projects Completing Warranty Period | | | | | | | |
| 3010 Basingdale (Phase II), 841/851 Main St Minturn, Red Sandstone Parking Garage | | | | | | | | |
| Process | Construction Approval Process Steps: | 0. Conceptual | 1. Plan Review | 2. Plan Approval | 3. Acceptance | 4. Warranty Period | 5. Final Acceptance | |
| | Development Approval Process Steps: | 1. Connection Application | 2. Water Demand Worksheet Analysis | 3. Conditional Capacity to Serve Letter | 4. Water Rights Allocation | 5. Water Service Agreement | 6. Ability to Serve Letter | |



BOARD COMMITTEES

DISTRICT

| | |
|-----------------------------------|--|
| <i>Audit/Budget</i> | Dick Cleveland Steve Coyer |
| <i>Employee Housing</i> | Steve Coyer Dick Cleveland |
| <i>Retirement Plans</i> | Bob Warner Siri Roman David Norris |
| <i>Organizational Development</i> | Bob Warner Dick Cleveland |
| <i>Facilities Master Plan</i> | George Gregory Bob Warner |

JOINT

| | |
|------------------------------|---|
| <i>Water Quality</i> | Vacant (A) Timm Paxson (D) |
| <i>Rules and Regulations</i> | Kim Bell Williams (A) Bob Warner (D) |
| <i>Water Supply Planning</i> | Vacant (A) Vacant (A) Kate Burchenal (D) Steve Coyer (D) |
| <i>Climate Action Plan</i> | Vacant (A) Kate Burchenal (D) Timm Paxson (D) |

(A) = Authority, (D) = District

AUTHORITY

| | |
|---------------------|--------------------------------|
| <i>Audit/Budget</i> | Geoff Dreyer George Gregory |
|---------------------|--------------------------------|



**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 Administrator
DATE: Feb. 23, 2023
RE: Summary of Authority's Jan. 26, 2023, Board Meeting

The following is a summary of items discussed at the Authority's Jan. 26, 2023, board meeting.

Directors present and acting were Chair George Gregory, Secretary Kim Bell Williams, Treasurer Geoff Dreyer, Kevin Hillgren, Tamra Underwood, and Mick Woodworth.

Certificate of Appointment Town of Avon appointed Mayor Pro Tem Underwood as the representative, Councilor Chico Thuon as first alternate, and town manager Eric Heil as second alternate. Director Underwood was administered the Oath of Office prior to the meeting.

Approval of minutes Directors approved the Jan. 26, 2023, regular meeting minutes.

Recognition of Mick Woodworth The board recognized the service of Director Woodworth, who is completing his term as the Edwards Metropolitan District representative.

Resolution Designating Location to Post Notice The board approved a Resolution that designates the ERWSD website as the location to post notice and agendas for UERWA board meetings and adopted the 2023 regular meeting schedule.

Demonstration gardens Eric Heil said the Town of Avon is installing demonstration gardens and has applied for a grant with the Colorado Water Conservation Board.

Quarterly financial report Jim Cannava discussed the report and noted operating revenue was below budget projections due to decreased water use during irrigation season.

EPA Interim Health Advisory for PFAS and Public Notification Brad Zachman and Kailey Rosema reported on voluntary sampling for per- and polyfluoroalkyl substances (PFAS). They said results from several facilities in the Authority and District's water systems detected levels above the 2022 EPA interim lifetime health advisories, which were greatly reduced from the 2016 health advisory levels to below what analytical methods can detect. Account holders will be directly notified per CDPHE requirements.

Proposed "Do Not Flush" Wipes Legislation Kristin Moseley said the District is working with state legislators to introduce legislation requiring "Do Not Flush" labeling on certain types of disposable wipes sold in Colorado. The legislation has received support from wastewater agencies; and the House and Senate bills will be introduced by bipartisan co-prime sponsors.

Conditional water rights deadlines Kristin Moseley discussed upcoming diligence deadlines on several of the Authority's conditional water rights.

House Bill 23-1023

Kathryn Winn discussed legislation introduced in the Colorado House of Representatives that would raise the threshold on contract costs requiring public bids on special district construction projects.

1041 IGA with Minturn

Kathryn Winn said an intergovernmental agreement will be presented for review to the Minturn Town Council, the ERWSD board, and UERWA board at their respective February meetings.

The following is a summary of items discussed at the Jan. 26, 2023, Joint Meeting with the Eagle River Water & Sanitation District board of directors.

UERWA Directors present and acting were

Chair George Gregory, Treasurer Geoff Dreyer, Kevin Hillgren, and Mick Woodworth.

Water Conservation Program

Siri Roman introduced a proposed water conservation program and said the program will result in greater water use reductions compared to water budgeting. David Norris said a conservation billing structure would eliminate the single family equivalent (SFE) multiplier being applied to water use tiers, which would result in more equity between low and high SFE properties. Diane Johnson said the program will include communication campaigns aimed at informing and motivating customers to make water use changes. The board unanimously supported the strategy as presented, including tabling water budgeting rate structures, adopting the water conservation program, and eliminating the SFE multiplier for water use on single family residential and duplex accounts. The board further directed staff to move forward with implementing the program under a one-year timeline and to repurpose an existing full-time employee to hire a Water Conservation Supervisor. Irrigation account rates will also be evaluated in the coming months.



MEMORANDUM

TO: Board of Directors
FROM: Tim Friday, Planning and Water Resources Manager
DATE: February 23, 2023
RE: Turf Replacement Rebate Funding Clarification

The purpose of this memorandum is to clarify funding sources for turf replacement rebates available to customers within the District and Authority service area for 2023. The water efficiency rebate program currently includes a rebate of \$1/square foot (SF) of turf replaced. In 2022, a total of \$9,496 was rebated to customers for removing 9,496 (SF) of turf. This accounted for 27% of all water efficiency rebates in 2022 (total rebates was \$35,479 in 2022). To date, 11,396 SF have been replaced in the entire service area and it is anticipated that it will grow exponentially in the next few years.

For 2023, the budget for water efficiency rebates is \$165,000 (\$25,000 District + \$140,000 Authority). In addition, we applied for an additional \$50,000 of funding (\$25,000 District + \$25,000 Authority) from the Colorado Water Conservation Board specific to turf replacement through a [new State program](#). These funds can be used to either expand the amount of turf replaced or increase the financial incentive to make turf replacement more attractive. Also, the Edwards Metropolitan District has pledged \$25,000 to be used toward turf replacement in 2023 within its district. We recommend increasing the financial incentive to \$2/SF across the service area and applying an additional \$1/SF within the Edwards Metro District for the first 25,000 SF removed which will help incentivize turf removal in an area where it is needed most (the "Edwards gap" in the Eagle River). Using this methodology for turf rebates could result in 107,500 SF of turf (2.5 acres) being removed in 2023. The associated potential water savings is estimated at 1 to 2 acre-feet per year/acre of turf replaced.

As reported in the January Communication & Public Affairs Report, the Eagle County Conservation District (ECCD) was awarded a grant from the Colorado River District for landscape conversion that identified \$90,000 out of the \$191,554 grant to be used for turf replacement over the next three years. This funding is intended primarily for Eagle County residents outside of the District and Authority service area. This makes good water conservation sense as it will be better for the Eagle River watershed to expand turf replacement within the Eagle Valley rather than stack rebate dollars to provide more money per square foot of turf replaced. However, customers within our service are not precluded from applying for additional rebates from ECCD. The District will continue to help leverage support from ECCD and the Eagle River Watershed Council (ERWC) for other water conservation tactics within the District, such as water audits and public messaging. The ERWC presented at the Lunch with Locals event in Vail, held on February 15, 2023, and their message was clear: use outdoor water efficiently and convert nonfunctional turf to more appropriate landscaping for our climate. This message needs to be carried throughout the Eagle Valley consistently and persistently to make an impact.

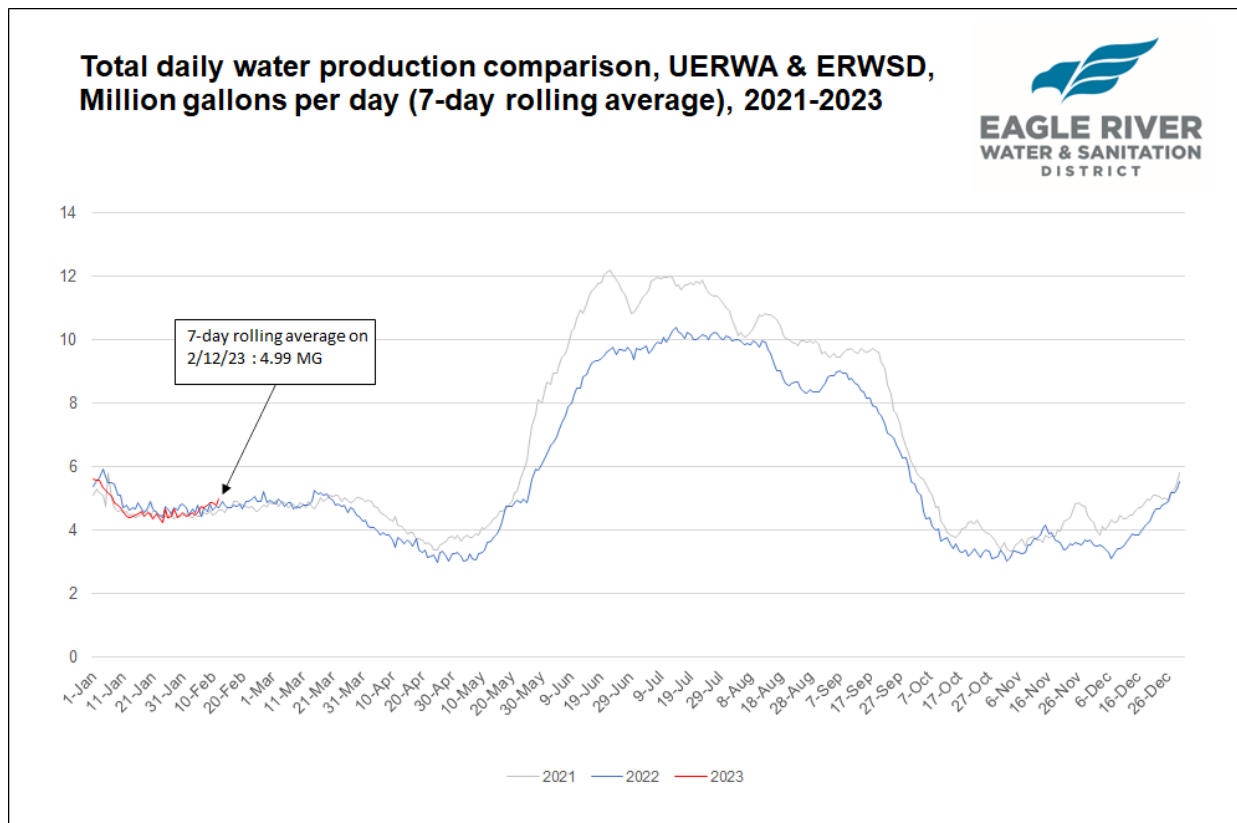


OPERATIONS MONTHLY REPORT February 2023

WATER

Brad Zachman

The system-wide water production comparison was updated through Feb. 13. System production is normal for this time of the year.



In late-2022, the District and Authority partnered with the Colorado Department of Health and Environment (CDPHE) and voluntarily sampled drinking water treatment facilities for a group of man-made chemicals of growing concern known as PFAS (Per- and polyfluoroalkyl substances). The sample results received in January 2023 showed that certain PFAS chemicals, Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonate (PFOS), are present in some of the District and Authority drinking water sources. These compounds are currently unregulated. However, on Jun. 15, 2022, the Environmental Protection Agency (EPA) set new lower lifetime health advisories for four PFAS compounds in drinking water. A health advisory is intended to raise awareness, provide guidance, and foster local and state response before the EPA develops a regulation. Immediately after receiving the PFAS sampling results in January, staff began working

with the CDPHE to develop a public notification plan to provide District and Authority customers with details of the PFAS testing results. The CDPHE-approved plan consists of the following three components:

- 1) A detailed notification letter will be sent to all customers as an insert to the March 2023 billing statements. The letter will be issued with both English and Spanish translations. A copy of the letter is provided at the end of the Operations Report.
- 2) A news release that corresponds with the day that the notification letters are sent (Mar. 2-3). The news release is currently under development and will also be available on erwsd.org.
- 3) PFAS program updates will be posted quarterly on erwsd.org.

As next steps, District staff members will continue to closely follow the PFAS regulatory rulemaking process, participate in CDPHE stakeholder workgroups, and begin planning additional follow-up sampling to further characterize PFAS levels in the system.

LABORATORY & WATER QUALITY

Leah Cribari

The District received the results of the macroinvertebrate sampling program that was performed in 2021. The results are currently under review. A summary memo will be provided in the March board packets.

Each month, Laboratory staff members collect baseline water quality samples at sites on the Eagle River downstream of the Eagle Mine. The sampling is performed to detect abnormal water quality in the Eagle River that may be a result of contamination from the Eagle Mine.

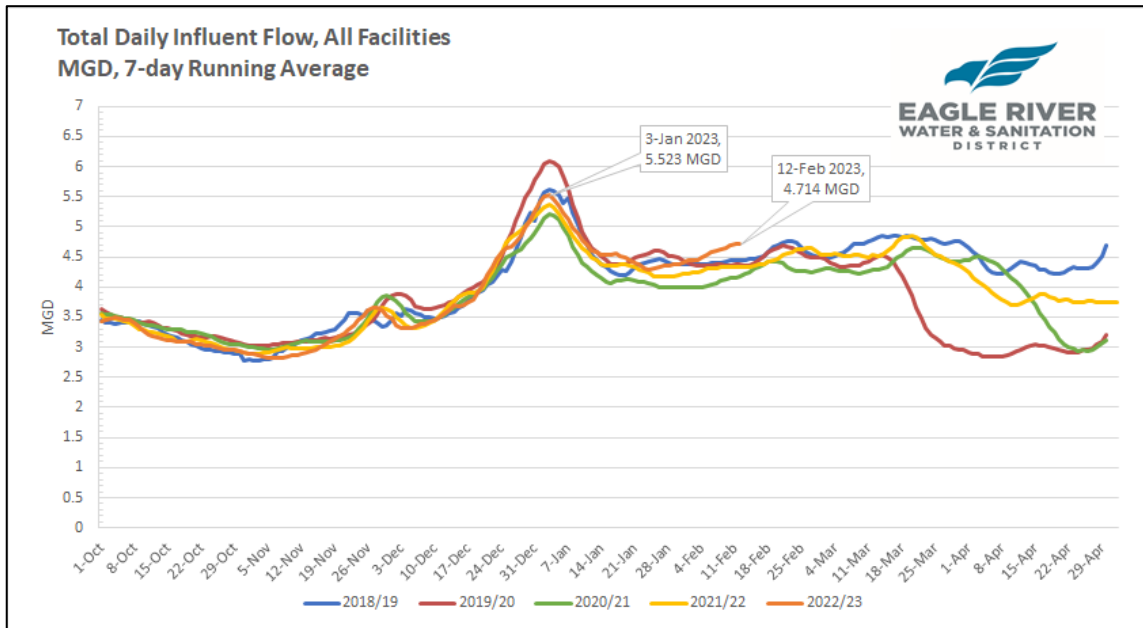


Eagle River Water Quality Sampling Event

WASTEWATER

Rob Ringle

Influent wastewater flows and loading have moderated following the annual peak, which occurred near the first of the year. Cumulative influent flow has trended slightly above recent years and is currently near 85% of the annual peak. Influent flow and organic loading will likely remain steady through the remainder of the ski season, with modest increases anticipated over the President's Day holiday weekend and spring break period.



Vail Wastewater Treatment Facility (VWW) staff members continue to prepare for the upcoming masterplan improvements project. Current preparations include maintenance on the existing UV disinfection system, replacement of the existing non-potable strainer system, and the rebuild of a waste sludge pump.

Avon Wastewater Treatment Facility (AWW) staff members have continued to assist with commissioning and optimizing the new treatment systems. Work this month focused on the secondary process aeration and return pumping systems, the equalization volume system, and chemical feed systems. Staff members are also completing punch list items for the aeration blower and electrical areas.

Edwards Wastewater Treatment Facility (EWW) staff members responded to several major operational issues over the past month, as summarized below.

- A bearing failed in one of the two centrifuges used for dewatering biosolids. Staff members removed and disassembled the bearing assembly and sent it to the manufacturer for repair.
- A non-potable water line in the Internal Mixed Liquor Recycle (IMLR) pump gallery failed on the afternoon of Feb. 13. The water line, which provides lubrication to pump shaft seals in

this process area, failed due to a pressure surge following electrical maintenance work. The line has been temporarily isolated until replacement parts are received.

- EWW and Field Operations staff members cleaned and video-inspected the underdrain pipes for the solids handling odor control biofilters. There is an airflow imbalance between the east and west biofilter units. The inspection confirmed that there are no obstructions in the underdrain. As a next step, filter media replacement is scheduled for later this summer.
- EWW and Field Operations staff members inspected and video-inspected the secondary clarifier effluent pipe. The inspection revealed a partial obstruction due to a previously unknown grate installed inside the pipe. This finding helps explain a discrepancy between the hydraulic modeling being performed as part of the Wastewater Masterplan Update project and actual field conditions. The grate will be removed during a future capital improvements project at EWW.



Submersible camera screenshot showing grate obstruction in secondary clarifier effluent pipe

FIELD OPERATIONS

Niko Nemcanin

The Field Operations team is continuing with winter operations and has been working to remove snow around fire hydrants and facilities. The team is taking advantage of the winter season to focus on operator certification testing and group trainings.

UTILITY SERVICES

Shane Swartwout

BPCCC Program

The BPCCC team is focused on completing testing for the 172 assemblies that were not tested in 2022. There are currently 76 assemblies that must be tested by the Apr. 1 regulatory deadline. Out of the remaining untested assemblies, there are 37 seasonal devices that will be reported inactive. Additionally, the team continues to work with customers who have non-compliant accounts. There are 197 accounts that are non-compliant and 49 of those accounts are currently being assessed a \$500 fine per month for backflow non-compliance.

Meter Services Program

The meter services team has reached 99% AMI conversion in the District and 87% AMI conversion in the Authority. Letters have been mailed to the remaining ten District accounts and staff is now scheduling appointments with customers to upgrade meters in the Authority. The team has also implemented a new procedure to address monthly “missed reads.” This occurs when the AMI system is unable to collect an actual reading and the billing system auto-generates an estimate for that month. To assure correct water use reporting and accurate billing, the team’s goal is to collect current reads for every account, every month.

| | |
|--------------|-----------|
| Report Date: | 2/14/2023 |
|--------------|-----------|

| AMI SYSTEM STATUS | ERWSD | UERWA | TOTAL |
|-------------------------------------|-------|-------|--------|
| (1) Total No. of Meters | 3,194 | 6,819 | 10,013 |
| (2) No. of AMI Meters | 3,184 | 5,899 | 9,083 |
| (3) System Percentage of AMI Meters | 99% | 87% | 93% |
| Meters Remaining to Reach 100% AMI | 10 | 920 | 930 |

Advanced Metering Infrastructure (AMI) Status (Updated Feb. 14, 2023)

Fleet and Facilities

As part of the District’s vehicle replacement program, the Fleet and Facilities team has placed orders for 5 new utility trucks 2023. The dealership has not provided an estimated delivery date for the vehicles.

ENGINEERING

Jeff Schneider

WATER PROJECTS

Fenno Wellhouse and Raw Water Conveyance

Jeff Schneider/Carter Keller

General Project Scope: The project consists of the complete replacement of a treatment facility in Cordillera that treats water from seven groundwater wells. The previous facility did not meet electrical code, had safety concerns, and was generally at the end of its useful life. Improvements to the wells and raw water piping are also included in this project.

Project Update: The well casing at Fenno Well F6 was video-inspected on Feb. 10. The preliminary report indicates that the well casing is in good condition and does not need repair. However, the pump and motor need to be replaced. New equipment is currently being procured and installation will be completed in the spring.

Avon Drinking Water Facility (ADWF) PLC Upgrades

Jenna Beirsto

General Project Scope: This project includes replacement of the programmable logic controllers (PLCs) at ADWF. Additionally, a new server room will be constructed within the facility. All existing programming and PLC logic will be reverse-engineered and updated to meet current District standards.

Project Update: Electrical and instrumentation and control (I&C) equipment continues to be delivered to the subcontractor's facility in Denver. The project team has continued its review of the operational control philosophies. The contractor is finalizing requirements for the building permit with the Town of Avon. Construction of the server room is expected to begin in March, pending the issuance of a final building permit.

Water Production and Treatment Masterplan

Jenna Beirsto

General Project Scope: The masterplan will be a wholistic look at all production and treatment facilities system-wide including treatment plants and wells. The goal is to identify future capital project priorities. The project will include a detailed condition assessment of existing assets and will assess treatment and production threats from climate change, low stream flows, wildfires, etc.

Project Update: The District team worked through an internal risk workshop and held subsequent meetings to re-evaluate how the masterplan will evaluate future threats and risk. The team met the week of Feb. 13 to review outlines of chapters two through five of the masterplan. The team is finalizing the scope and contract to complete the project in 2023.

Avon Wastewater Treatment Facility (AWW) Fire Flow Improvements

Woodson Spring

General Project Scope: The AWW Fire Flow Improvements consist of two major components. The first includes installation of 1,100 linear feet of 12" water main down Millie's Lane and into the AWW site. The second includes modifications within the Avon Drinking Water Facility (ADWF) to transfer water from the high-pressure zone to the low-pressure zone. The overall objective of the project is to bring the AWW into compliance with current fire flow requirements.

Project Update: All pipeline work has been completed. Some remaining punch list items have been wrapped into the greater AWW Nutrient Upgrade Project (NUP). The manufacturer's representative for the new ADFW surge anticipator valve was onsite on Jan. 24 to make final adjustments and test the equipment.

WASTEWATER PROJECTS

Avon Wastewater Treatment Facility (AWW) Nutrient Upgrades Jeff Schneider/Jenna Bearisto

General Project Scope: The AWW requires upgrades to meet Regulation 85, which requires a reduction of the concentrations of nitrogen and phosphorus in the effluent. The scope of this project includes the following: addition of 0.6 million gallons of aeration basin capacity, installation of a new secondary clarifier, structural modifications to the existing aeration basins to remove the existing double-tees and replace with a building structure, installation of a new odor control study and system, and other improvements throughout the facility. This project also includes improvements identified in a 2017 condition assessment in other process areas throughout the facility.

Project Update: The project team completed the first formal punch list walks for the headworks building, blower room, several electrical rooms, and the odor control system. The contractor is working through items on the punch list to close out these spaces. The installation of epoxy floor coatings continued over the past few weeks, including the Internal Mixed Liquor Recycle (IMLR), Return Activated Sludge (RAS), secondary clarifier, and aeration basin process areas. The contractor is currently working to complete expansion joints, install caulking throughout the facility, and is scheduled to recoat the two existing secondary clarifiers in March. Fence installation was suspended while the contractor prepares to construct the new retaining wall along the southern property line above the bike path, but the gate installation at the front entry is underway. The retaining wall construction will begin on Feb. 27 and will require a full closure and detour of the bike path through Avon.



Progress of aeration basin floor coatings

Dowd Junction Collection System Improvements

Jenna Beairsto

General Project Scope: The project consists of four major components, all of which are at the end of their useful lives: the aerial interceptor crossing at Dowd Junction; Lift Station 4, which conveys all of Minturn's wastewater; the aerial interceptor crossing at the Minturn Road bridge; and the force main downstream of Lift Station 4. The infrastructure will be sized to accommodate future growth in the service area, most notably the Minturn area.

Project Update:

Snow removal and site cleanup occurred over the last month in preparation for construction this spring. Equipment procurement has continued for the lift station pumps and generator. Crews are expected to mobilize to the site to continue lift station construction and begin force main installation in March.

Avon Lab Improvements

Carter Keller

General Project Scope: The overall objective of this project is to install a new inductively coupled plasma mass spectrometer (ICP-MS) in the lab at AWW. The new instrument will enable District staff to perform metals analyses in-house. Lab and architectural modifications will be completed, including installation of a new gas cabinet, duct chase, and fume hood. Additionally, the makeup air unit (MAU) that serves the lab and the HVAC system for the lab and lab offices will be replaced.

Project Update: Electrical installation is underway and demolition work began on Feb. 13, starting with the installation of dust barriers. The delivery of some HVAC equipment has been unexpectedly delayed, so the project team is actively working to adjust the project sequencing plan to avoid a delay in the schedule.



Counter and cabinet demolition in preparation for new fume hood

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 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 and associated electrical, 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: Construction work is on a winter hiatus until Phase II of the project begins in spring 2023. The contractor provided a 90% guaranteed maximum price (GMP) estimate for the cost of the remaining work. The GMP cost came in slightly higher than anticipated, and some scope reduction was performed to reduce costs. The final contract price was negotiated, scopes of work were adjusted, and a final contract is being drafted. The design engineer is currently working to issue 100% plans for Phase II of the project. The project team has reviewed submittals for the ultraviolet (UV) disinfection system and is currently coordinating equipment procurement. District staff members are preparing procedures to test a VWW wastewater flow bypass before Phase II begins. A full-scale bypass of VWW will be required during Phase II construction activities.

GENERAL CAPITAL

Fleet Maintenance Facility

Mark Mantua

General Project Scope: The District's fleet maintenance shop, which is currently located at the Avon Wastewater Treatment Facility (AWW), needs to be relocated before a planned administrative expansion project can be initiated. The scope of this preliminary planning project is to define a conceptual footprint for the building and identify possible site locations.

Project Update: The consultant developed multiple conceptual-level site plans for a proposed facility located on the east side of the Edwards Wastewater Treatment Facility. District staff reviewed the alternative and selected a preferred concept. In parallel, the team is beginning to evaluate alternative building sites at the Hillcrest site (in Edwards) and the AWW.



March 2, 2023

Subject: Important information about PFAS and your drinking water

Dear Customer,

The Eagle River Water & Sanitation District (district) and the Upper Eagle Regional Water Authority (authority) are committed to providing safe, reliable, and affordable drinking water to our customers. As part of this commitment, we have been voluntarily testing your drinking water for a group of man-made chemicals of growing concern known as PFAS (Per- and polyfluoroalkyl substances). Water sample results received in January 2023 showed that certain PFAS chemicals, Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonate (PFOS), are present in some of our drinking water sources.

These compounds are currently unregulated. However, on Jun. 15, 2022, the Environmental Protection Agency (EPA) set new lower lifetime health advisories for four PFAS compounds in drinking water. A health advisory is intended to raise awareness, provide guidance, and foster local and state response before the EPA develops a regulation.

This is a concern, not a crisis. People do not need to stop drinking their water. Thousands of water providers across the United States are detecting PFAS chemicals in drinking water sources at concentrations above the lower health advisory levels. This notice details our PFAS testing results and actions you should consider. We are working closely with the Colorado Department of Public Health and Environment (CDPHE) to address PFAS in our drinking water and reduce detectable levels in our water supply.

What are PFAS?

PFAS are a group of over 5,000 man-made chemicals that have been used in industry and consumer products since the 1940s. There are thousands of PFAS chemicals in products including ski wax, nonstick cookware, water-repellent clothing, stain-resistant textiles, cosmetics, and firefighting foams.

These compounds are widespread and do not break down over time, and therefore can get into our water, soil, air, and food during production and use. Concerns over human health impacts began to surface in the early 2000s, and although manufacturing of some of these compounds have been phased out, their resistance to degradation allows them to persist in the environment and build up in the human body. People can be exposed to PFAS through product use or environmental exposure, including contaminated source water that enters the drinking water supply.

What are the health advisory levels for PFAS and what do they mean?

The EPA established a health advisory level for PFOA and PFOS in 2016 at 70 parts per trillion (ppt). On Jun. 15, 2022, the EPA lowered these health advisory levels for PFOA to 0.004 ppt and PFOS to 0.02 ppt. These levels for PFOA and PFOS are so low they are below current detection abilities of analytical equipment, which can currently accurately measure PFAS compounds at approximately 2 ppt.

The EPA sets Health Advisory Levels to the minimum concentration of a compound that may present health risks over a lifetime of exposure. These health advisories are established based on human studies in populations exposed to PFAS and are set to protect all people, including sensitive populations and life

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stages (such as infants), from negative health impacts as a result of lifetime exposure to PFAS in drinking water.

There is strong evidence that PFOA and PFOS impact the immune system, increase cholesterol, decrease infant birth weight, and cause changes in liver function. There is moderate evidence that PFAS compounds are associated with preeclampsia and high blood pressure during pregnancy and causes effects on thyroid hormones. There is also evidence that PFOA increases the risk of kidney and testicular cancer.

Children ages 0-5 years, and people who are pregnant, planning to become pregnant, or breastfeeding are more susceptible to health impacts from these chemicals. Visit <https://cdphe.colorado.gov/pfas-health> for more information.

What are the PFAS levels in my water?

The district and authority's drinking water distribution systems are interconnected, allowing for water transfer throughout the service area. The drinking water delivered to your tap can come from one or more of our treatment facilities. Our most current testing for PFOA and PFOS show the following results:

| Public Water System | General Service Area | Treatment Facility | PFAS Compound | Detected level (parts per trillion) | Interim health advisory level (parts per trillion) | |
|---|----------------------|-------------------------------------|-------------------|-------------------------------------|--|-------|
| Upper Eagle Regional Water Authority (CO0119786) | Avon | Avon Drinking Water Facility | PFOA | 0.75* | 0.004 | |
| | | | PFOS | 0.46* | 0.02 | |
| | Edwards | Edwards Drinking Water Facility | PFOA | 0.90* | 0.004 | |
| | | | PFOS | 0.64* | 0.02 | |
| | | | Berry Creek Wells | PFOA | 0.50* | 0.004 |
| | | | | PFOS | 2.5 | 0.02 |
| | Edwards Well | PFOA | 0.62* | 0.004 | | |
| | | PFOS | 1.1* | 0.02 | | |
| | Cordillera | Fenno Wells | PFOA | Not Detected | 0.004 | |
| | | | PFOS | Not Detected | 0.02 | |
| Eagle River Water & Sanitation District (CO0119802) | East Vail | Gore Valley Drinking Water Facility | PFOA | Not Detected | 0.004 | |
| | | | PFOS | Not Detected | 0.02 | |
| | | Well R-7 | PFOA | Not Detected | 0.004 | |
| | | | PFOS | Not Detected | 0.02 | |
| | Core Vail | Well R-1 | PFOA | Not Detected | 0.004 | |
| | | | PFOS | Not Detected | 0.02 | |
| | | Well R-2/R-6 | PFOA | Not Detected | 0.004 | |
| | | | PFOS | Not Detected | 0.02 | |
| | Well R-4 | PFOA | Not Detected | 0.004 | | |
| | | PFOS | Not Detected | 0.02 | | |
| West Vail | Well West Vail 7&8 | PFOA | 2.9 | 0.004 | | |
| | | PFOS | 1.5* | 0.02 | | |

* Result is less than the laboratory reporting limit and therefore is an estimated value.

What actions should I consider to reduce my exposure?

You do not need to stop using tap water. People who are concerned can reduce exposure from drinking, cooking, and preparing baby formula by using water treated by an in-home water treatment filter that is certified to lower the levels of PFAS, or use water that has been treated with reverse osmosis. Use tap water for bathing, showering, brushing teeth, washing hands, watering yards, washing dishes, cleaning, and laundry. Boiling, freezing, or letting water stand does not reduce PFAS levels.

EPA and CDPHE do not recommend bottled water because CDPHE cannot verify that all bottled water is below PFAS interim health advisories. If you choose to use bottled water, CDPHE recommends choosing a brand that has been treated with reverse osmosis and includes this language on the bottle. Reverse osmosis is a treatment that removes PFAS.

If you have specific health concerns, consult your doctor. An information sheet, "Talking to Your Health Care Provider about PFAS," is available at <https://bit.ly/PFAS-doctor>. You can also reduce exposure by reducing your use of household and everyday products that contain PFAS. To learn more, visit <https://cdphe.colorado.gov/pfas-health>.

What is the district and authority doing to address PFAS?


Public health and providing high quality drinking water is our top priority. The district and authority's drinking water has and continues to meet all federal and state Primary Drinking Water Standards. We are partnering with CDPHE to continue to assess PFAS levels in our source and treated drinking water through additional testing and evaluation, researching emerging treatment methods to reduce PFAS levels through comprehensive master planning, and protecting our source water from additional pollution. As we learn more, we will continue to update our customers with our ongoing PFAS monitoring data and response to this issue on our website.

For additional information regarding PFAS in drinking water and health information, visit <http://cdphe.colorado.gov/pfas-health> or <http://www.epa.gov/pfas>. Contact district customer service with any questions or concerns at 970-477-5451 or customerservice@erwsd.org.

Please share this information with other people who drink this water, especially those who may not have received this notice directly (for example, tenants, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in public places or by distributing copies by hand.



MEMORANDUM

TO: District and Authority Boards of Directors
FROM: Jason Cowles, P.E. 
DATE: February 15, 2023
RE: Engineering & Water Resources Report

Bolts Lake Update

The EPA will be posting notice of a 30-day comment period for the partial deletion of the Trestle Area from Operating Unit 3 (OU3) of the Eagle Mine Superfund site. The approximately 5.3 acre portion of the site proposed for deletion has met residential cleanup standards following the completion of remediation activities prior to the District and Authority's purchase of the property last spring. The EPA anticipates that the notice will appear in the Vail Daily the week of February 20 and will include a link to the deletion package and a link for comments from the public.

Colorado Water Conservation Board (CWCB) staff will present a recommendation on our Colorado Water Plan Grant request for Bolts Lake Preliminary Design at the CWCB board meeting to be held in Steamboat Springs on March 15 and 16. Staff have given a favorable reception to our application. We will update the Boards on the results next month.

State Land Board Memorandum of Understanding

We were contacted by Greg Ochis of the State Land Board regarding a proposed memorandum of understanding among stakeholders in a potential community housing project on the State Land Board property in Dowd Junction. The purpose of the group will be to conduct a cooperative planning effort to develop conceptual plans for development of the parcel and nearby affected parcels. All costs for the conceptual planning effort will be paid by the State Land Board. Other stakeholders include the Towns of Avon, Vail, and Minturn, Eagle County, the Traer Creek Metropolitan District, and the Eagle-Vail Metropolitan District.

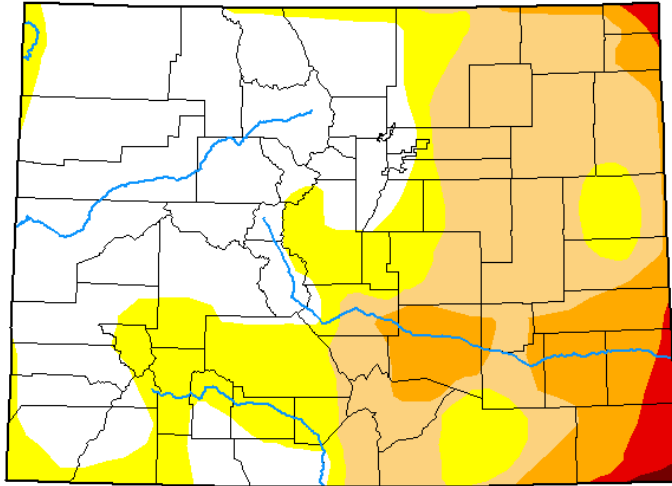
Water Resources Update

The latest U.S. Drought Monitor map for Colorado is shown below in Figure 1. Conditions across the state are largely unchanged since January. Eagle County remains out of drought status.

Figure 1: US Drought Monitor, Colorado February 7, 2023 (National Drought Mitigation Center).

U.S. Drought Monitor Colorado

February 7, 2023
(Released Thursday, Feb. 9, 2023)
Valid 7 a.m. EST



Drought Conditions (Percent Area)

| | None | D0-D4 | D1-D4 | D2-D4 | D3-D4 | D4 |
|--|-------|--------|-------|-------|-------|------|
| Current | 41.33 | 58.67 | 37.42 | 12.29 | 1.99 | 0.16 |
| Last Week <i>01-31-2023</i> | 45.65 | 54.35 | 35.58 | 11.18 | 1.87 | 0.04 |
| 3 Months Ago <i>11-08-2022</i> | 16.91 | 83.09 | 46.94 | 23.13 | 3.29 | 0.57 |
| Start of Calendar Year <i>01-03-2023</i> | 39.97 | 60.03 | 33.83 | 12.28 | 1.91 | 0.01 |
| Start of Water Year <i>09-27-2022</i> | 15.46 | 84.54 | 45.65 | 15.47 | 3.73 | 0.57 |
| One Year Ago <i>02-08-2022</i> | 0.00 | 100.00 | 88.17 | 61.99 | 8.55 | 0.00 |

Intensity:

- None
- D0 Abnormally Dry
- D1 Moderate Drought
- D2 Severe Drought
- D3 Extreme Drought
- D4 Exceptional Drought

The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. For more information on the Drought Monitor, go to <https://droughtmonitor.unl.edu/About.aspx>

Author:

Brian Fuchs
National Drought Mitigation Center



droughtmonitor.unl.edu

Current 8-14 day temperature and precipitation outlooks are shown in Figures 2 and 3. Modeling indicates that temperatures in western Colorado are leaning below normal and precipitation is leaning near normal to above normal through the end of February.

Figure 2: 8-14 Day Temperature Outlook February 15, 2023 (NOAA Climate Prediction Center).

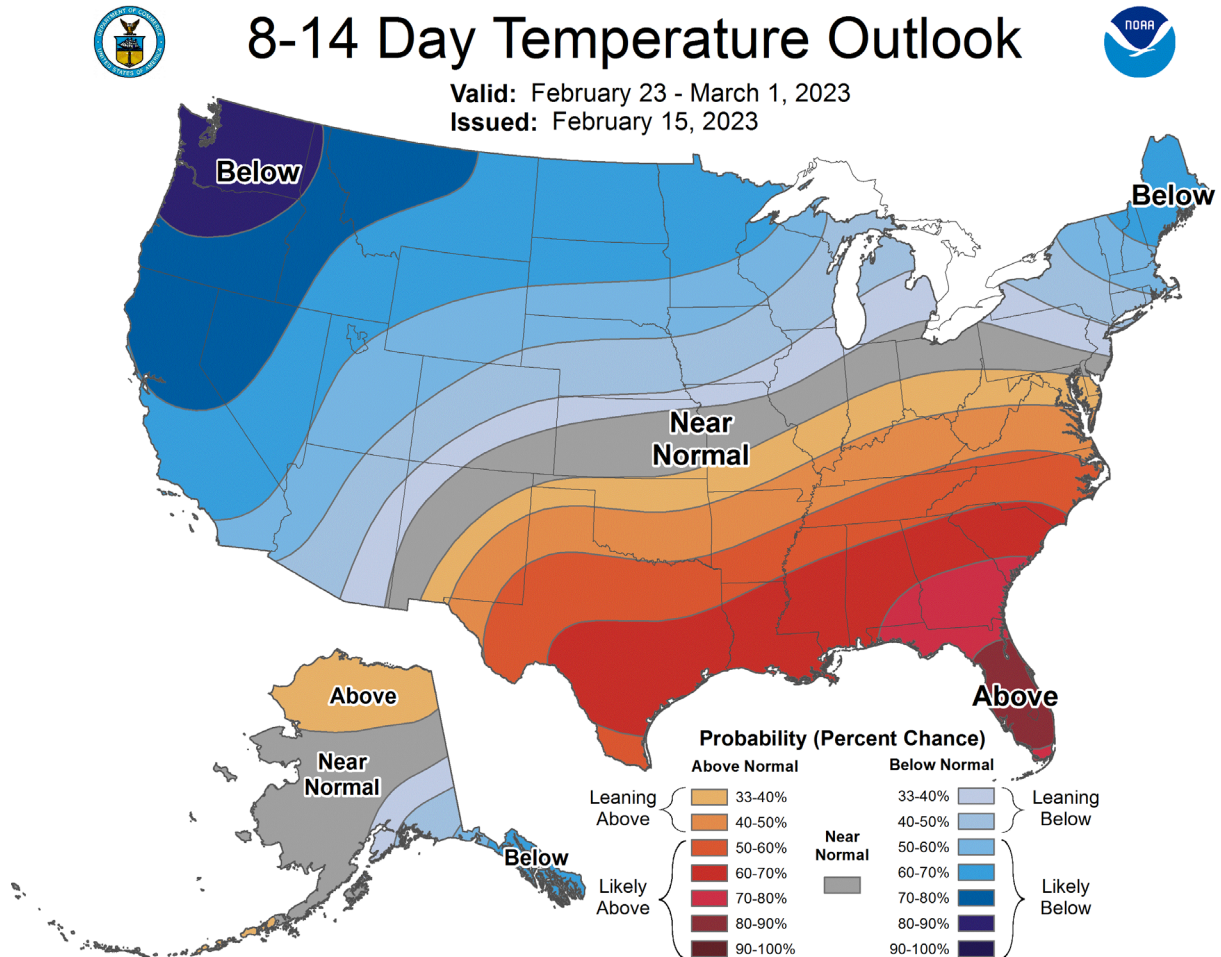
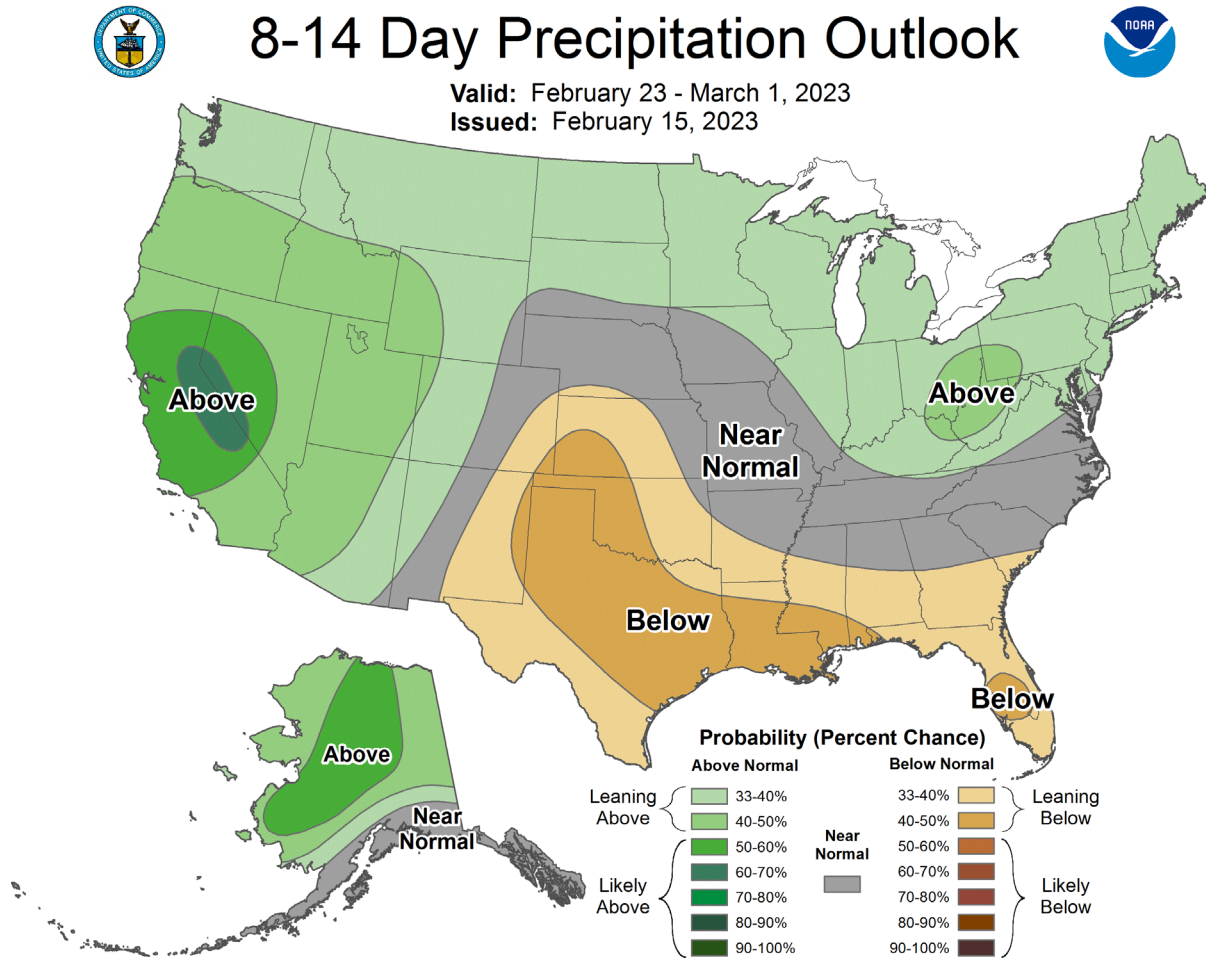


Figure 3: 8-14 Day Precipitation Outlook February 15, 2023 (NOAA Climate Prediction Center).



Snow Water Equivalent (SWE) graphs at the Vail Mountain and Freemont Pass SNOTEL sites are shown in Figures 4 and 5 respectively. The Vail Mountain Snotel site is 122% of median for this date with 14.4 inches of SWE. The Freemont Pass Snotel site still continues to lag the Vail site at 89% of median with 10.0 inches of SWE. Despite positive overall snowpack trends to date, the Freemont Pass Snotel site sits at 50% of the median Peak SWE with about 3 months remaining before the typical peak occurs. Above average spring snowfall will be needed for the site to reach the median peak. Overall snowpack conditions on the Western Slope remain above average with the upper Colorado River basin at 122% of normal (Figure 6).

Figure 4: Snow Water Equivalent at Vail Mountain SNOTEL, February 15, 2023 (USDA).

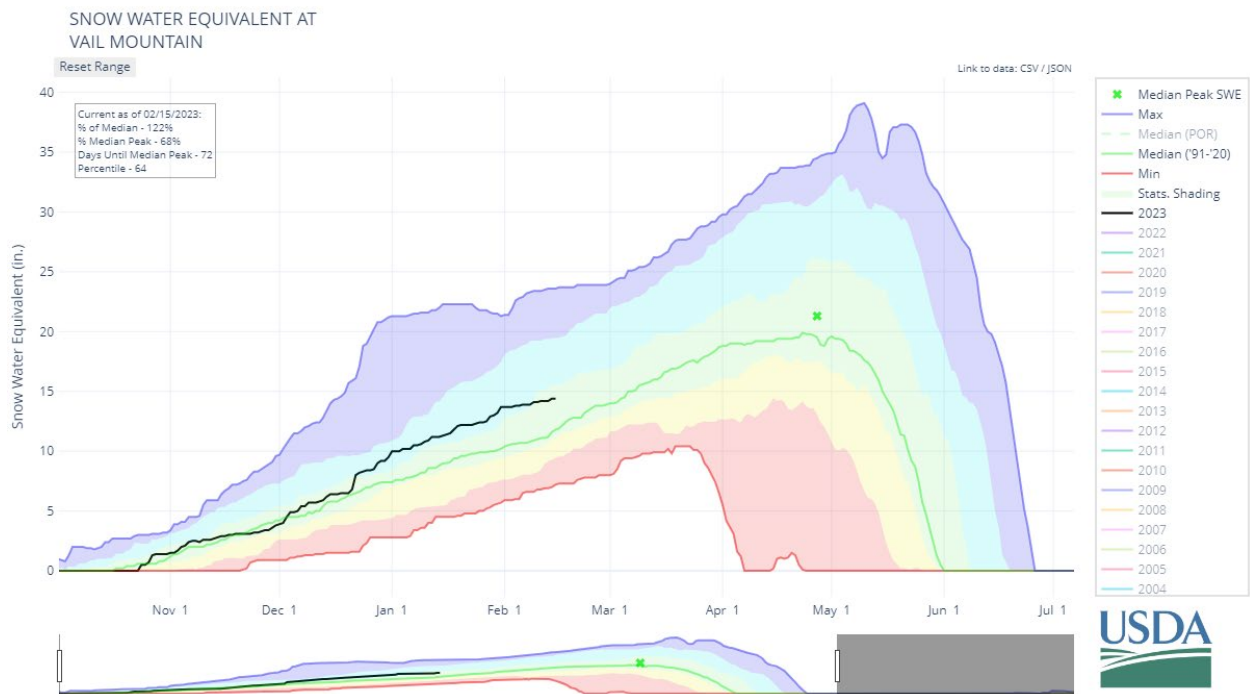


Figure 5: Snow Water Equivalent at Fremont Pass SNOTEL, February 15, 2023 (USDA).

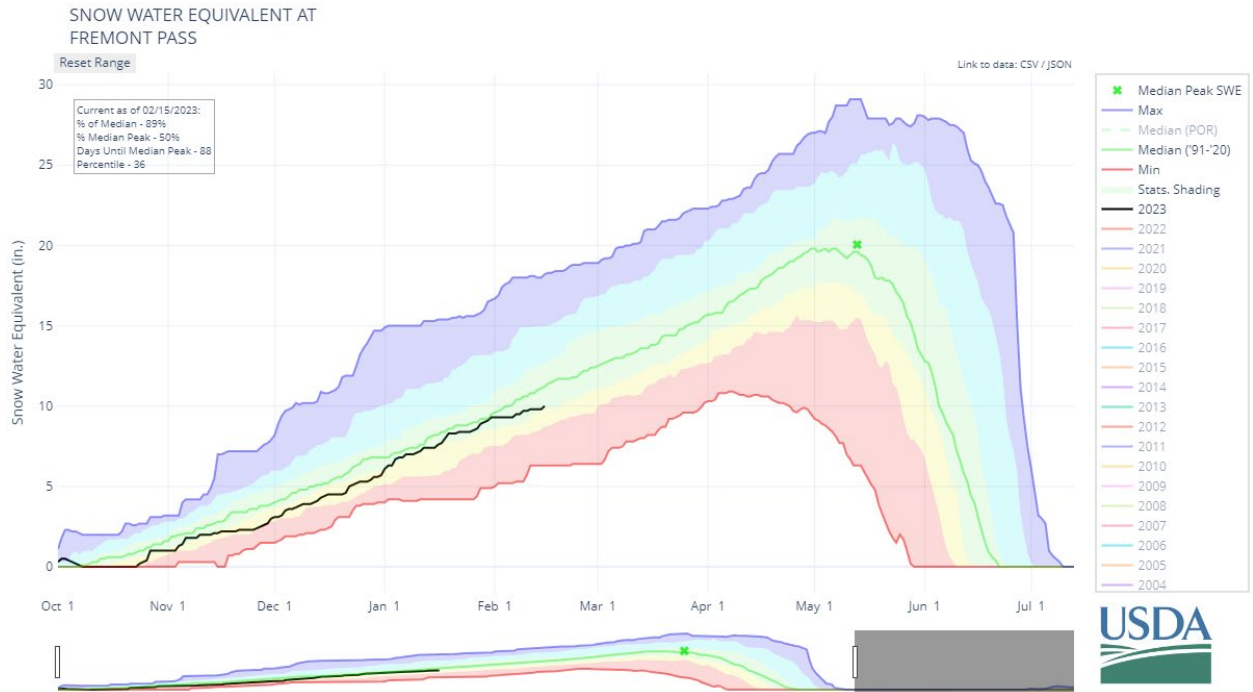


Figure 6: Colorado Current Snow Water Equivalent (SWE) % of Normal February 15, 2023 (USDA).

