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*Submitted via email to [cdphe.wqcc@state.co.us](mailto:cdphe.wqcc@state.co.us)*

July 25, 2018

Water Quality Control Commission  
Attn: David Baumgarten, Hearing Chair  
4300 East Cherry Creek Avenue  
Denver, CO 80226

**Re: Water Quality Control Commission Rulemaking Hearing for the Reclaimed Water Control Regulation #84 (5 CCR 1002-84)**

Dear Commissioners,

The Northwest Colorado Council of Governments Water Quality/Quantity Committee (QQ) offers the following comments in support of Denver Water's proposed changes to the Water Quality Control Commission (WQCC) Regulation 84 to allow reclaimed water to be used for indoor fixture flushing (toilets & urinals) and to create a framework for localized reclaimed water systems separate from existing centralized municipal reclaimed water systems.

QQ's purpose is to enhance the region's water quality while encouraging its responsible use for the good of Colorado and the environment. QQ members include headwater municipalities, counties, and water and sanitation districts located in Grand, Summit, Eagle, Pitkin, Park, and Gunnison counties; and the Colorado River Water Conservation District and the Upper Gunnison River Water Conservancy District.

QQ supports expanded options for reclaimed water as a method to ensure transmountain diversion water can be re-used to the extent allowed by law, in line with QQ policies. QQ supported bills in the 2018 Legislative Session that expanded the allowable uses of reclaimed water, including toilet and urinal flushing (HB 18-1069), as consistent with QQ policies.

Encouraging expanded uses for reclaimed water is also consistent with the Colorado River Cooperative Agreement, the historic, cross-divide agreement between Denver Water and the Western Slope. Many QQ member organizations are signatories to this agreement. To minimize

the need for additional diversions from the headwaters, Denver Water agreed “to develop, for use within the Service Area . . . an additional 10,000 acre-feet on an average annual basis through reuse, including use of reusable sources of water for augmentation, and/or conservation measures.”<sup>1</sup> Denver Water also agreed that any expansions of its service area “will maximize using best efforts the reuse or successive use of reusable water available to them.”<sup>2</sup>

Further, these proposed changes are in line with goals of Colorado’s Water Plan (CWP) to increase reuse to address water supply and demand gaps. During the formulation of the CWP, QQ worked with local government signatories to develop a set of West Slope Principles for the CWP that supported the inclusion of increased reclaimed water use as an element of the CWP.<sup>3</sup>

The revisions to Regulation 84 proposed by Denver Water in its rebuttal (see DenverWaterEx31-84\_DW Revised Rebuttal Proposal) help advance the requirements and goals for water re-use established in the CRCA and CWP. For these reasons, QQ supports Denver Water’s proposed changes to Regulation 84. We applaud the on-going work between Denver Water and the Water Quality Control Division to resolve outstanding issues regarding the proposed changes to Regulation 84 and appreciate the opportunity to comment on this rulemaking hearing.

Respectfully,



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<sup>1</sup> CRCA, Article II, Section C at 10, available at [https://www.coloradoriverdistrict.org/wp-content/uploads/2018/06/colorado-river-cooperative-agreement-4\\_05\\_2012-addendum-bookmarked-1.pdf](https://www.coloradoriverdistrict.org/wp-content/uploads/2018/06/colorado-river-cooperative-agreement-4_05_2012-addendum-bookmarked-1.pdf).

<sup>2</sup>*Id.* at Art. I, Section B.2.e.iii. at 3; *see also*, Section B.1.d. at 2 and Section B.4.c. at 6.

<sup>3</sup> The West Slope Principles for the Colorado Water Plan, signed by 30 local governments on the West Slope, include the following relevant principles:

- 3.1 Transmountain diversion water should be re-used to extinction to the extent allowed by law, before any proposed new supply development focuses on further west slope water supply.
- 3.3 Front Range infrastructure and water should be shared to meet future demands (e.g. WISE). Laws and regulations that improve such sharing should be considered.
- 3.4 New Front Range in-basin projects should be pursued to fully utilize in-basin supplies (e.g. Chatfield Reallocation, SDS, Arkansas Conduit, indirect and direct re-use, gravel pit storage projects), including maintaining and enhancing existing storage facilities.

The West Slope Principles are available at <http://nwccog.org/wp-content/uploads/2015/04/Principles-100614.pdf>.