

# Spring QQ Meeting

Friday, March 13, 2026

10 AM – 3 PM

Hybrid Meeting

Location: Glenwood Springs Branch Library (815 Cooper Ave.), Glenwood Community Room

Zoom:

<https://zoom.us/j/95920076480>



## AGENDA

- 10:00 AM Introductions  
*Nina Waters, QQ Chair and Summit County Commissioner*
- 10:15 AM Data Center Impacts & Policy Mechanisms  
*Lindsay Rogers, Policy Manager for Municipal Conservation, Western Resource Advocates*
- 11:15 AM Proposed CO Basin Operating Guidelines – Overview & Next Steps  
*Amy Moyer, CO River District, Chief of Strategy*
- 12:00 PM Lunch
- 1:00 PM Discussion of Legislation & Consideration of Positions  
*Kristin Green, QQ Policy Advisor & Member Services Manager*
- 1:45 PM Discussion of other QQ issues (as needed)
- 2:00 PM Member Updates
- 3:00 PM Adjourn

# QQ Meeting Legislative Update



March 13, 2026

QQ provides summaries of introduced legislation in this detailed narrative form and in a table for ease of tracking through the legislature. Positions are “recommended” until QQ meets on March 13<sup>th</sup> to take formal positions. Recommendations are based on consistency with QQ policies, [available here](#).

All positions are by consensus, so if a QQ member raises a concern with any recommended position, we will adjust our position as needed.

## Senate Bills

**SJR26-001: Water Projects Eligibility List.** *Sens. Roberts & Catlin; Reps. McCormick & T. Winter*

- Annual list of water supply and wastewater treatment system projects eligible to receive financial assistance through revolving loan funds, including many QQ member projects.
- **Recommended Position: Support**

**SB26-016: Prohibit the discharge of preproduction plastic materials.** *Sens. Cutter & Wallace; Reps. Smith & Lukens*

- This bill prohibits discharging preproduction plastic materials from a facility (where such plastics are manufactured, handled, or transported) into state waters water quality.
- **Recommended Position: Support**

**SB26-033: Clean Energy Permitting Coordination.** *Sen. Liston & Rep. T. Winter*

- Would impact the local government permitting process for clean energy projects through 1) a state “clean energy permitting coordinating office,” 2) state review of a mandatory “community engagement plan” reviewed by the state office, and 3) required “community benefit agreements” between local governments and developers, contrary to QQ policies.
  - We expect another bill on the state and local role in regulating renewable energy development from the Governor’s administration but have not seen a draft yet. Note this bill has only republican sponsors.
- **Recommended Position: Oppose**

**SB26-082: Local Government Renewable Energy Development Fee.** *Sen. Pelton*

- This bill “reaffirms” local governments’ authority to approve, deny, and add conditions to utility-scale renewable energy projects and to issue application fees.
  - Although the bill says it doesn’t affect existing local government authority, it confusingly lays out an entire system for local permitting including establishing an expedited and standard permit process and a complicated fee structure. Because this bill introduces questions and debatably dictates how local governments permit renewable projects, the bill is contrary to QQ’s policies to protect and strengthen local government authority.
- **Recommended Position: Oppose**

**SB26-089. Recreate Wildfire Matters Interim Committee.** *Sens. Cutter & Baisley; Rep. Velasco*

- This is a bill to revive a former committee that recently expired. QQ members have received funding from grant programs created through the previous iteration of the wildfire matters interim committee.
- **Recommended Position: Support**

**SB26-102: Large-Load Data Centers.** *Sen. Kipp; Rep. Brown*

- This bill seeks to regulate data centers and reduce their environmental impacts – especially regarding energy and water use. The bill’s regulatory approach places significant onus on local governments and contains confusing elements on who is responsible for determining and mitigating a project’s impacts. The bill requires:
  - The Department of Local Affairs (DOLA) to develop model regulations,
  - Local governments to determine ‘optimal operational water management’ using water efficient technology at a data center (it is possible the intent was for DOLA to make this determination in their model regulations),
  - Developers to hold “public hearings” (confusingly using a local government term),
  - Local governments to consider a third-party cumulative impact analysis, and
  - Community benefit agreements. It is unclear who would be party to the community benefit agreements.
- We are concerned the bill, as currently written, could interfere with local governments’ permitting processes.
- There is a lot going on in this bill. We are conducting outreach to bill proponents and other stakeholders to learn more and explore options for amendments. Any feedback from QQ members is extremely welcome.
- **Recommended Position: Amend**

## House Bills:

### **HB26-1008: Colorado Outdoor Opportunities Act.** *Reps. Lukens & Taggart; Sens. Marchman & Rich*

- DNR is revamping a previous effort ([HB-1323](#)) to grow CO Parks and Wildlife's (CPW) capacity regarding outdoor recreation in ways that may benefit the QQ Region. DNR Fact Sheet is [available here](#). Consultants are still analyzing this bill.
- **Recommended Position: Monitor**

### **HB26-1030: Data Center & Utility Modernization.** *Reps. Duran & Valdez; Sen. Mullica*

- Incentivizes bringing data centers to Colorado by providing a 100% state sales and use tax exemption for 20 years to "qualifying" data centers. Relevant to QQ, qualifying data centers must "implement water stewardship strategies that optimize operational water management."
  - Data centers will likely be concentrated on the Front Range, raising the question as to the use of transmountain diversion water.
  - The bill contains a "savings provision" that the bill does not impact local government authority to regulate data centers.
  - Environmental advocates are working on a bill aimed at regulating environmental impacts from data centers. This bill is not yet introduced.
  - We believe that it is premature to offer tax incentives for data centers. Energy and water impacts from data centers are potentially significant while also unknown.
- **Recommended Position: Oppose**

### **HB26-1034: Modifications to Standards for Irrigation Equipment.** *Reps. Johnson & Lukens; Sen. Pelton*

- This bill repeals water efficiency requirements for non-agricultural irrigation equipment (i.e., landscaping irrigation equipment) that QQ previously supported in 23-1161. Bill proponents cite issues with technology and unexpected costs in implementing the standards.
  - We are in contact with bill proponents to learn more about the issues the legislation seeks to address and potential implications for water efficiency.
- **Recommended Position: Monitor**

### **HB26-1112: Regulation of Underground Injection Control Wells.** *Reps. Paschal & Smith; Sens. Hinrichsen & Simpson*

- Bill would give CO Division of Natural Resources (DNR) regulatory primacy over underground injection wells from the EPA. DNR Fact Sheet is [available here](#).
- We have been in communication with DNR staff regarding the bill's language that affirms state supremacy of this program would not impact local government authority. We are satisfied that the current bill language sufficiently protects local control.
- **Recommended Position: Monitor**

**HB26-1145: Mobile Home Park Water Quality.** *Reps. Velasco & Phillips; Sen. Cutter*

- QQ supported the previous bill that initiated this mobile home water quality program with the Water Quality Control Division. This is a “clean up” bill with some tweaks to the existing program.
- **Recommended Position: Monitor**

**HB26-1278: Local Government Approval of Transmission Infrastructure.** *Rep. Richardson; Sens. Pelton & Snyder*

- This bill “clarifies” that a utility cannot begin condemnation of property for transmission infrastructure until local government permits for the project have been issued. For now, we do not think this bill impacts local authority to regulate and will continue to monitor.
- **Recommended Position: Monitor**

**HJR26-1017: Ute Water Rights.** *Reps. Stewart & McCluskie; Sens. Simpson & Roberts*

- This is a resolution calling on the federal government to support water infrastructure development and a broader range of uses for the Ute Mountain Ute and Southern Ute Tribes.
- **Recommended Position: Monitor**

# QQ SUMMARY OF BILLS OF INTEREST FOR 2026

March 13, 2026

Legend: Green cells indicate a QQ position of support. Red cells indicate a QQ position of oppose.

Bill No.	Bill Description	Sponsors	Status	Notes	Recommended Position
<b>Senate Bills</b>					
<a href="#">SB26-016</a>	<b>Prohibit Discharge Preproduction Plastic Materials</b>	Sens. Cutter & Wallace; Reps. Smith & Lukens	Passed Senate; assigned to House Energy & Environment, scheduled for Mar. 18 <sup>th</sup>	<i>Amended in Senate committee</i>	Support
<a href="#">SJR26-001</a>	<b>Water Projects Eligibility List</b>	Sens. Roberts & Catlin; Reps. McCormick & T. Winter	Passed the Senate; passed House committee, scheduled to be considered by House on Mar. 6 <sup>th</sup>	<i>Annual water funding bill</i>	Support
<a href="#">SB26-033</a>	<b>Clean Energy Permitting Process</b>	Sen. Liston & Rep. T. Winter	<b>Failed in Senate committee</b>		Oppose
<a href="#">SB26-082</a>	<b>Local Government Renewable Energy Development Fee</b>	Sen. Pelton	Assigned to Transportation & Energy		Oppose
<a href="#">SB26-089</a>	<b>Recreate Wildfire Matters Interim Committee</b>	Sens. Cutter & Baisley; Rep. Velasco	Passed Senate Ag. & Natural Resources, referred to Senate Appropriations	<i>Amended in first Senate committee</i>	Support
<a href="#">SB26-102</a>	<b>Large-Load Data Centers</b>	Sen. Kipp; Rep. Brown	Assigned to Senate Transportation & Energy		Amend

Bill No.	Bill Description	Sponsors	Status	Notes	Recommended Position
<b>House Bills</b>					
<a href="#">HB26-1008</a>	<b>Colorado Outdoor Opportunities Act</b>	Reps. Lukens & Taggart; Sens. Marchman & Rich	Passed House Ag, Water & Natural Resources, referred to House Appropriations, scheduled March 6 <sup>th</sup> for Appropriations and House floor	<i>DNR bill; Amended in first House committee</i>	Monitor
<a href="#">HB26-1030</a>	<b>Data Center &amp; Utility Modernization</b>	Reps. Duran & Valdez; Sen. Mullica	Assigned to House Energy & Environment, scheduled for Feb. 12 <sup>th</sup> Hearing was cancelled. Has not been rescheduled		Oppose
<a href="#">HB26-1034</a>	<b>Modifications to Standards for Irrigation Equipment</b>	Reps. Johnson & Lukens; Sen. Pelton	Passed House; waiting to be assigned to Senate committee	<i>Amended in House committee and on House floor</i>	Monitor
<a href="#">HB26-1112</a>	<b>Regulation of Underground Injection Control Wells</b>	Reps. Paschal & Smith; Sens. Hinrichsen & Simpson	Passed House Energy & Environment and House Finance, referred to House Appropriations	<i>DNR bill; Amended in two House committees</i>	Monitor
<a href="#">HB26-1145</a>	<b>Mobil Home Park Water Quality</b>	Reps. Velasco & Phillips; Sen. Cutter	Passed House; waiting to be assigned to Senate committee	<i>Amended in House committee</i>	Monitor
<a href="#">HB26-1278</a>	<b>Local Government Approval of Transmission Infrastructure</b>	Rep. Richardson; Sens. Pelton & Snyder	Failed in House committee		Monitor
<a href="#">HJR26-1017</a>	<b>Ute Water Rights</b>	Reps. Stewart & McCluskie; Sens. Simpson & Roberts	Scheduled Mar. 6 <sup>th</sup> for House consideration	<i>Has been pushed multiple times on House schedule</i>	Monitor

March 2, 2026

Sent via electronic mail: [crbpost2026@usbr.gov](mailto:crbpost2026@usbr.gov)

U.S. Bureau of Reclamation  
Attn: BCOO-1000  
P.O. Box 61470  
Boulder City, NV 89006



**RE: Draft EIS Comments regarding Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead**

Dear Acting Commissioner Cameron:


Please accept the comments of the Northwest Colorado Council of Governments Water Quality/Quantity Committee (QQ) in response to Reclamation's Draft Environmental Impact Statement (DEIS) for Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead.

QQ comprises 47 Colorado local governments located in the headwaters of the Colorado River and its tributaries. The QQ Region is united by its iconic landscapes and the growing importance of its recreation and tourism economy, all of which depends on the Region's water resources. Recreation activities with a water nexus include fishing, boating, skiing, and hunting. Fishing alone employs almost 2,200 people and has a direct economic impact of over \$1 million in Colorado's headwaters counties.<sup>1</sup> Rafting and kayaking contribute over \$9 million annually to headwaters economies.<sup>2</sup> It is therefore essential that any environmental impact analysis of operations within the Colorado River Basin considers cumulative impacts to the Upper Basin including streamflow, water temperature, riparian conditions, and water quality, and in turn what these impacts mean for local communities. We support and agree with the Colorado River Water Conservation District's comments and specific recommendations – particularly regarding the need to explicitly disclose Upper Basin shortages – and ask that you further analyze impacts to the Upper Basin during the development of the Final EIS.

---

<sup>1</sup> The Northwest Colorado Council of Governments Foundation, Inc. *Water and its Relationship to the Economies of the Headwaters Counties*. Prepared by Coley/Forest, Inc. (2012). [https://www.nwccog.org/wp-content/uploads/2015/03/qqstudy\\_report\\_jan-2012.pdf](https://www.nwccog.org/wp-content/uploads/2015/03/qqstudy_report_jan-2012.pdf).

<sup>2</sup> Id.



The DEIS repeatedly quantifies Lower Basin shortages in the main body of the document while relegating Upper Basin shortages to Appendix I. Upper Basin shortages should be included in the main document of the DEIS. The alternatives' sensitivity to Upper Basin demands is a crucial component of their overall effectiveness, including for assessing cumulative impacts from Lake Powell operations on upstream communities.

Operating regimes based solely on comparative reservoir elevations have failed to protect storage at Lake Powell. If water levels in Powell continue to drop, Colorado will further depend on high-elevation storage for meeting its compact obligations – storage which draws water from the QQ Region.

In conclusion, Upper Basin communities bear hydrologic variability at the source of the Colorado River system, especially in the in the headwaters where communities are the furthest upstream and often lack any reservoir storage for water supplies. Our economies depend on legally consistent and hydrologically realistic operations, and future operational guidelines and strategies for Lakes Powell and Mead must take impacts to the Colorado headwater communities into account.

We respectfully urge Reclamation to revise the DEIS to restore structural supply-demand balance, fully analyze Upper Basin conservation impacts, and include alternatives that perform under critically dry hydrology. Upper Basin impact analysis should include impacts on recreation tourism economies in the headwaters region and the environment to sustain these economies.

Thank you for your full and fair consideration of these comments.

Respectfully submitted this 2<sup>nd</sup> day of March, 2026.

---

Kristin Green  
Northwest Colorado Council of Governments Water Quality/Quantity Committee  
Phone: 970-286-4804  
Email: [kgreen@nwccog.org](mailto:kgreen@nwccog.org)

# Water Quality Control Commission (WQCC) Updates



March 13, 2026

QQ participates in WQCC rulemaking hearings to advocate for strong water quality protections in the Region. QQ's positions are based on consistency with [QQ policies](#) and implementation measures in the 208 Plan.

## Summary of Current WQCC Proceedings

### April

#### **Regulation 84: Reclaimed Water Control Regulations.**

In spring 2025, Discovery Land Company<sup>3</sup> asked the WQCC to consider authorizing snowmaking with reclaimed water. The WQCC directed the Water Quality Control Division (WQCD) to initiate a stakeholder process to solicit input from additional stakeholders to develop a proposal for the WQCC to consider.

The WQCD has proposed to authorize snowmaking with reclaimed water along with other minor updates to Regulation 84. If adopted, snowmaking would require Class 3+ treatment (highest level) and the snowmaking operation would require a discharge permit to protect the water quality standards and existing uses in the receiving waters.

With proper health and safety regulations, snowmaking with reclaimed water has the potential to conserve water throughout the state. Increased water use efficiency and conservation is consistent with QQ policies. However, it is difficult to assess the consequences of WQCD's proposal because they have not provided sufficient detail regarding the discharge permitting practices for snowmaking operations. QQ's Responsive Prehearing Statement is attached.

---

<sup>3</sup> Discovery Land Company has proposed to develop a private ski area and residential community, called Stagecoach Mountain Ranch, in Routt County.

## June

### Temporary Modifications in the Upper Colorado and North Platte Basins (Regulation 33) and Gunnison and San Juan Basins (Regulation 35)

The WQCC will review temporary modifications<sup>4</sup> that apply to segments throughout the state. The following temporary modifications are of interest to the QQ Region:

- **Arsenic:** In the NWCCOG Region approximately 1,778 miles of rivers and streams are impaired for arsenic concentrations that exceed the water supply standard. Thirty-seven domestic wastewater treatment facilities in the NWCCOG Region discharge to streams or rivers that are impaired for arsenic.

While the source(s) of arsenic has not been identified in every impaired segment, arsenic is commonly found in soil and sediment throughout Colorado. Water infiltration through soil and sediment can create naturally-elevated arsenic concentrations in local waterbodies; human activity can exacerbate arsenic mobilization.

The existing temporary modification applies statewide and is set to expire in 2029. The WQCD intends to propose revised arsenic standards in 2029. Because the arsenic standards are stringent, the proposal will also address technological and economic feasibility for standards implementation in discharge permits. The WQCD has reaffirmed their commitment to share the draft standards proposal in the summer of 2027.


Understanding and addressing arsenic issues in the Region is a top priority in the 208 Plan.

- **Temperature:** Steamboat Springs has a temperature temporary modification for the Yampa River. Steamboat Springs will propose a site-specific standard in 2027.
- **Cadmium:** Mt. Emmons Mining Company (MEMC) has proposed to delete the cadmium temporary modification applied to lower Coal Creek. Due to reclamation work and improvements at the Keystone Mine, MEMC is no longer eligible for a temporary modification.

MEMC has requested a future hearing date to consider potential revisions to the water quality standards. MEMC has indicated that they may submit a proposal to revise the water quality standards in June 2027 or later. At this time, MEMC has not defined the scope of the potential proposal including the

---

<sup>4</sup> Temporary modifications may be adopted where instream water quality exceeds the applicable standard, a discharger has a demonstrated or predicted compliance issue, and there is significant uncertainty regarding the extent to which existing water quality is the result of natural or irreversible human-induced conditions.



pollutant(s) or type of revision(s) to the water quality standards. The Town of Crested Butte, Gunnison County, and other organizations are involved in the process to revise the water quality standards that apply to Coal Creek.

## **208 Plan Update**

---

NWCCOG staff will submit the updated 208 Plan to WQCD and EPA staff in mid-March. After addressing feedback from the agencies, NWCCOG staff will move forward with the hearing process to approve the 208 Plan.

**BEFORE THE WATER QUALITY CONTROL COMMISSION  
STATE OF COLORADO**

---

**IN THE MATTER OF CONSIDERATION OF THE ADOPTION OF  
REGULATION #84 (5 C.C.R. 1002-84), RECLAIMED WATER CONTROL  
REGULATION**

---

**RESPONSIVE PREHEARING STATEMENT OF THE NORTHWEST COLORADO  
COUNCIL OF GOVERNMENTS WATER QUALITY/ QUANTITY COMMITTEE**

---

The Northwest Colorado Council of Governments (“NWCCOG”), by and through its Water Quality/Quantity Committee (“QQ”), respectfully submits this responsive prehearing statement in the above-referenced matter.

**I. NWCCOG/QQ BACKGROUND**

QQ is the water policy arm of NWCCOG. QQ’s purpose is to protect or improve regional water quality conditions in the headwaters of the Colorado, Yampa, and Gunnison river basins. QQ is comprised of 47 member local governments who are interest in proposed changes to these rules. QQ membership is provided as Attachment 1.

NWCCOG is the 208 designated planning and management agency for Region 12, which includes the Upper Colorado, Yampa, and North Platte Basins. NWCCOG implements the Regional Water Quality Management Plan in compliance with Section 208 of the Clean Water Act (“208 Plan”). QQ is interested in ensuring this rulemaking is consistent with the 208 Plan.

The QQ Region is home to several of Colorado’s top ski areas including Vail, Aspen, Snowmass, Breckenridge, Steamboat Springs, Winter Park, Crested Butte, Copper, Beaver Creek, and others. QQ is particularly interested in the Division’s proposal to allow snowmaking with reclaimed water.

**II. GENERAL RESPONSE**

In general, QQ finds that the Water Quality Control Division proposal, as captured in Exhibit 1 of the Division’s Prehearing Statement, is adequately protective of Colorado’s waters and is consistent with the 208 Plan.

QQ supports the Division’s proposal to require reporting through Discharge Monitoring Reports (DMR) for all reclaimed water use. The remainder of QQ’s comments focus on snowmaking with reclaimed water. With proper health and safety regulations in place, snowmaking with reclaimed water may increase water conservation throughout the state. Increased water use efficiency and conservation is consistent with QQ policies. QQ offers the following questions and comments related to snowmaking with reclaimed water.

### **III. QUESTIONS AND COMMENTS REGARDING SNOWMAKING**

#### **A. DISCHARGE PERMITS FOR SNOWMAKING (REGULATION 61)**

QQ acknowledges that Regulation 61 is not the subject of this rulemaking hearing. However, the Division should provide a more complete explanation of the permitting process and assumptions which are necessary to understand the consequences of the Division's proposal to add snowmaking as an authorized use in Regulation 84. We have the following questions regarding discharge permits for snowmaking operations:

- Will all discharge permits for snowmaking include a public notice and comment period?
- How will the discharge rate be determined for snowmaking permits?
- Who will determine the snowmaking discharge rate? Will they be required to show the calculations used to determine the discharge rate?
- How will the receiving waters be identified? By whom?
- Will dilution in the receiving waters be considered? If so, how?
- Would the permitting approach differ if the ski area plans to use a combination of water sources for snowmaking (e.g., raw water and reclaimed water)?

Due to the unique characteristics of each potential snowmaking operation, the receiving waters, and affected communities, QQ strongly recommends that all discharge permits for snowmaking be issued as individual permits that include a complete water quality analysis, provide all permitting calculations, public notice, and a public comment period.

#### **B. REQUIREMENTS FOR SNOWMAKING (REGULATION 84)**

Terrain parks are typically made of manmade snow and often include several very large features. As these features melt, which may occur later than the adjacent snowpack (i.e., less dilution), there may be an increased risk to water quality in adjacent waterbodies. QQ requests that the Division provide more discussion of potential risks and BMP requirements where reclaimed water would be used in terrain parks. For example, grooming to spread snow more uniformly across the terrain park after the ski area closes or setback distances from waterbodies.

Children enrolled in ski schools are under the supervision of a ski instructor, rather than their parents, and in some instances in large groups. Regulation 84 should include a requirement to educate ski instructors and other staff that interact with children. The education requirements should include the locations where snowmaking occurs and that the snow should not be consumed. Likewise, the signage requirements should include appropriate symbols to communicate with children that cannot read.

**i. CLARIFICATIONS OF PROPOSED LANGUAGE**

**84.10(B)(19)(a)(ii).** Is the term “ski lift” inclusive of gondolas, magic carpets, t-bars or other devices used at Colorado ski areas? QQ recommends that the Division revise this language to be inclusive of all types of ski lifts.

**84.10(B)(19)(b).** It appears that the word **by** should be removed (see bold strikethrough below).

“A manager or other individual who is knowledgeable about the requirements in Regulation 84 must inform Trained Workers ~~by~~ prior to snowmaking activities each season that non-potable reclaimed water is being used for snowmaking.”

**84.19(g).** It appears that the word **and** should be removed (see bold strikethrough below).

“Snowmaking with reclaimed water that will result in a discharge to state waters ~~and~~ must be authorized by a CDPS or NPDES permit at the time of or before Treater Authorization issuance.”

QQ may offer a more detailed rebuttal statement in response to others’ responsive prehearing statements.

Respectfully submitted this 18<sup>th</sup> day of February 2026.

/s/Ashley Bembenek  
Ashley Bembenek  
Alpine Environmental Consultants LLC  
phone: 970-251-0029  
email: [abembenek@yahoo.com](mailto:abembenek@yahoo.com)

Torie Jarvis, #46848  
Sullivan Green Seavy Jarvis LLC  
Phone: 970-596-5039  
email: [torie@sullivangreenseavy.com](mailto:torie@sullivangreenseavy.com)