

DRAFT
Output from 1341/1298 Public Health, Welfare and Environment Workgroup
Meeting #5: February 13, 2008

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Participants: See attached list

Meeting Highlights:

Drinking Water Protection

- The discussion of public drinking water protection began with a summary of the current regulatory situation.
 - COGCC maintains a relationship with the Water Quality Control Commission through SB 181 and supports compliance with WQCC regulations that are protective of drinking water.
 - COGCC is the implementing agency concerning groundwater regulations.
 - COGCC has an MOU with the Water Quality Control Division concerning response to spills and releases to surface water.
 - Current regulations do not specifically address source water watershed areas.
- The WQCD provided an overview of the Source Water Assessment and Protection Program.
 - An initial assessment of public drinking water systems has been completed. Water sources have been identified and watersheds have been mapped.
 - Ground water comprises 80% of the State's water resources; surface water comprises 20%.
 - Conversely, 80% of the State's drinking water comes from surface water; 20% comes from ground water.
 - With assistance from the Program, communities are being encouraged to review their source water assessment information and develop local protection plans.
 - There is not a regulatory mandate for source water protection. Efforts are voluntary.
 - Water resources can be protected through land use, BMPs, municipal ordinances, etc.
- Grand Junction and the Town of Palisade have enacted municipal watershed ordinances and regulations.
 - In 2006 the BLM sold oil and gas leases within Grand Junction's watershed.
 - At the request of local governments, the BLM agreed to suspend development of oil and gas interests for one year while a watershed protection plan was prepared.

- The Watershed Protection Ordinance was adopted in Fall 2006 (See <http://www.gjcity.org/CityDeptWebPages/PublicWorksAndUtilities/WaterServices/PDF/WSORD3961.pdf>.)
- Supporting regulations were passed for enforcement. (See <http://www.gjcity.org/CityDeptWebPages/PublicWorksAndUtilities/WaterServices/PDF/WatershedRegsResolution07115.pdf>.) The regulations:
 - restrict activities that create a risk to source water;
 - identify allowed activities;
 - provide for administration and enforcement;
 - set up a system for permitting activities;
 - prohibit high risk activity without City-issued watershed permit;
 - moving 100 cubic yards of dirt;
 - removing 1,000 cubic yards of vegetation;
 - use of flammable materials.
 - establish water quality standards; and
 - adopt the Genesis Watershed Protection Plan;
- It was suggested that additional tools are needed at the state level to protect watersheds.
 - Local ordinances are important, but they are not the only tool.
 - Local ordinances do not protect smaller subdivisions.
 - Local entities often lack expertise to adequately protect watersheds.
 - Local entities often lack resources for inspection and enforcement.
 - There is the potential problem of preemption by a higher level of government.
 - Consistent statewide standards would benefit everyone, including industry.
- Various proposals were suggested:
 - consultation between state and local governments when activity is proposed in source water area;
 - explicit acknowledgement of municipal authority;
 - recognition of local source water protection plans;
 - early involvement of local entities when activities are being planned;
 - Include local governmental designee (LGD) in discussions.
 - Incorporate local government inspections and municipal access to sites into agreements.
 - regulatory requirement for comprehensive plans automatically required whenever development is proposed in source water area;
 - additional inspections paid for by operators;
 - data collection and on-going monitoring, informed by full disclosure of all chemicals used;
 - prohibition on any measurable increase in water pollution;
 - BMPs, including:
 - pitless drilling,
 - setbacks from streams and springs,
 - non-toxic fracking.
- The discussion continued as concerns were raised.

- Is the agricultural industry being held to the same standard as oil and gas?
 - Source water protection plans are very comprehensive and include every industry and activity that may contribute to pollution.
- What impacts is Grand Junction currently dealing with? Is there a problem that needs to be fixed? Are we seeing impacts that have human health ramifications?
 - The aim is to prevent impacts from such things as roads, drilling, etc. – to be proactive rather than just waiting for accidents to happen and then responding.
 - Present efforts are preventive.
- Industry believes that existing regulations are already comprehensive enough.
- Lack of enforcement is not a good reason to add a new layer of bureaucracy.
- Industry could beef up compliance with existing regulations.
 - Perhaps the issue is more about staffing and enforcement than lack of appropriate regulations.
 - There is an issue of getting contractors to comply. Currently only operators get notices of violation – it is a challenge to hold contractors to high standards and make them accountable.
 - Is there a current compliance data base?
 - Yes, on COGCC website.
- There is a concern that additional regulations alone won't ensure better performance.
- Some operators are tried and true. Perhaps a higher level of scrutiny would be appropriate for new operators.
- Some believe that there should be a higher standard in the watersheds.
 - A violation is a violation no matter where it happens.
- There is a need to apply regulations at the appropriate time. Regulations at the planning stage – before specific siting and operational details are being defined - will not necessarily result in better performance or compliance.

Agenda Items for February 20, 2008

- Consultation
- Comprehensive plans
- Geographic areas.