

CHAPTER 2: PUBLIC PARTICIPATION

2.1 INTRODUCTION

Public participation in the development of the Colorado Source Water Assessment and Protection (SWAP) program is crucial to the overall success of the program because it:

1. Ensures that interested and affected parties understand the proposed program;
2. Provides technical review and comment on program elements;
3. Helps to build support for the program;
4. Ensures that public concerns are fully addressed;
5. Fosters a better understanding of the program; and
6. Creates a better working relationship between governmental agencies and the public.

Public involvement in SWAP is required during development of the statewide program, review and comment on the assessment strategy and implementation of drinking water assessment and protection programs at the local level. To help ensure that all potentially interested stakeholders are given an opportunity to participate, a list of potential stakeholders was developed for SWAP, which is presented as **Table 2.1**. This list served as the basis for identifying individuals and groups to serve on the various advisory and interagency teams. It will also be helpful for ongoing communications on SWAP.

The approaches that Colorado has employed to attract broad public participation during the development process are discussed below:

Table 2.1 List of Potential Stakeholders

<p>Public Agencies County/Local/Regional County Commissions Municipal Governments Flood Control Districts Ground Water Management Districts Local Health Departments Regional Council of Governments Rural Conservation & Development Soil Conservation Districts Water Conservation Districts Water Conservancy Districts Water Providers</p> <p>Federal Agencies U.S. Department of Agriculture - Natural Resource Conservation Service - U.S. Forest Service U.S. Environmental Protection Agency U.S. Department of Interior - U.S. Park Service - Bureau of Land Management - Bureau of Reclamation - Fish & Wildlife Service - Geological Survey U.S. Department of Defense U.S. Department of Energy</p>	<p>State Agencies Department of Agriculture Department of Labor & Employment Office of the Oil Inspector Department of Natural Resources: - Office of the State Engineer - Water Conservation Board - Division of Minerals & Geology - Oil & Gas Conservation Commission - Geological Survey - Division of Wildlife - Soil Conservation Board - Ground Water Commission - Well Drillers Board - State Parks & Recreation Department of Public Health & Environment - Board of Health - Hazardous Materials & Waste Management Division - Water Quality Control Commission - Water Quality Control Division - Air Pollution Control Division Department of Transportation Colorado State University - Extension Service - Water Resources Research Institute</p>	<p>Tribes Southern Ute Ute Mountain Ute</p> <p>Private Interests Agriculture Mining Water Companies Well Drillers Manufacturing Landfill Operators Logging</p> <p>Special Interests Farm Bureau Chambers of Commerce Land Developers Farmers Union Environmental Groups Recreation Interests Consumer Groups Watershed Groups Realtors Colorado Riparian Association</p> <p>Individuals Farmers Consumers Educators</p> <p>Others Public Health Organizations Vulnerable Populations</p>
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2.2 SWAP DESIGN TEAM

The Division appointed an advisory group to assist with the design and development of the SWAP program. The Division recognized the merit and importance of involving a key set of interested and affected stakeholders in what became known as the Colorado SWAP Design Team. **Table 2.2** lists the members of the Design Team.

Criteria used in selecting members included geographic parity as well as technical expertise and stakeholder interest. In addition, representation from each of the four principal watersheds was sought.

Recognizing the magnitude of the task at hand and the short time frame within which it had to be accomplished, a decision was made to limit the size of the core working group to 15 members, and to include additional members as they expressed a desire to be involved.

The Design Team generally met every month for about a year, starting in January 1998, and provided very valuable input on the design and direction of the Colorado SWAP program. The team was extremely helpful in defining the scope and process for each of the four elements of the program and has played an important role in crafting a plan that will work well for Colorado, and meet the letter and spirit of the law. **Appendix D** contains the summaries of these meetings. Recommendations of the Design Team members made individually and collectively on the various elements of SWAP were incorporated into the draft SWAP program plan. Design Team members were furnished copies of each draft as it was completed, and their comments were addressed in subsequent revisions.

Table 2.2 Design Team Members

Troy Bauder	CSU Cooperative Extension Service
Doug Cain	U.S. Geological Survey
Jo Clark	Stewardship Initiatives
Russ Clayshulte	Denver Regional Council of Governments
Katherine Foster	USDA Forest Service
Joe Kelley	City of La Junta
Bill Leon	Center for Community Dev. and Design, UCCS
Gale McGaha Miller	City of Fort Collins
Carmi McLean	Clean Water Action
David Merritt	Colorado River Water Conservancy District
Rich Muza	U.S. EPA, Region VIII
Pat Nelson	Colorado Mining Association
David Pusey	Colorado Water Quality Control Commission
Greg Trainor	City of Grand Junction
Gary VanDerSlice	EnecoTech
George Weber	Center for Community Dev. and Design, UCCS
Al West	Rural Community Assistance Corporation
Shawna Wooten	Colorado Rural Water Association

2.3 CITIZENS' ADVISORY TEAM

A Citizens' Advisory Team (CAT) was appointed to provide input on the appropriateness and feasibility of the approaches proposed in the SWAP program plan. Their input was also sought on how best to address the needs of different groups with specific concerns about the safety of drinking water. **Table 2.3** lists the members of the Citizen's Advisory Team. The committee met once during the development phase, and is scheduled to meet two more times during implementation. Appendix D contains the summary of this meeting.

Members were sought from groups with a direct or immediate interest in safe drinking water, and those stakeholders who would likely have a strong interest for other reasons. Invitations were extended to medical and public health associations, civic groups, small rural health care providers, ranchers, advocacy groups for special needs populations such as transplant and cancer patients, and those with compromised immune systems. A concerted effort was made to have the committee reflect the different age, racial, and ethnic groups living and working in Colorado. Geographic balance was also a goal.

Table 2.3 Citizens' Advisory Team Members

Denise Allison	Colorado University Hospital
Gerard Berk	Boulder Brands
Fran King Brown	Southern Ute Tribe
Candy Burbridge	River Watch
Rob Buirgy	Big Thompson Watershed Forum
Cindy Crist	Ute Mountain Ute Tribe
Skip Crowe	Rancher, Villa Grove
Dean Hawley	Liver Transplant Patient
Heidi Heltzel	Colorado Association of Commerce and Industry
Joe Mauro	Colorado AIDS Project
Nicholas Nossaman, M.D.	Homeopathic Health Care Provider
Roy Laws	Jefferson County Dept. Of Health and Environment
Jim Settles	Jefferson County Public Schools
Dean Witzel	Rancher, Burlington

2.4 TECHNICAL ADVISORY TEAM

The Technical Advisory Team (TAT) was selected to advise on assembling and integrating the data and technical assistance needed for the successful assessment and implementation of SWAP. Members were drawn from the public and private sectors. **Table 2.4** lists the members of the Technical Advisory Team. Managers from state agencies that collect and maintain data bases needed by the SWAP program were contacted, as were experts who could advise on the technical aspects of delineation, contaminant inventories, and susceptibility analysis. The TAT met three times during the developmental phase of SWAP and may meet periodically as the assessment phase proceeds. Appendix D contains the summaries of these meetings. The input from the TAT was invaluable in sorting and prioritizing the information that is critical to source water assessment, and identifying the steps needed to integrate the data sets. The assistance provided would help ensure that the information is made available to the PWSs in formats that will be useful to them and to the citizens who will be working with them.

An ancillary benefit of creating the TAT has been the opportunity to bring together agencies with regulatory roles that influence drinking water quality. The meetings served as a forum to discuss how these agencies can work together to advance drinking water protection. Most of the agencies had not had an opportunity to explore the use of their databases and regulatory authorities for source water protection.

Table 2.4 Technical Advisory Team Members

Julie Annear	Division of Minerals and Geology
Debbie Baldwin	Oil and Gas Conservation Commission
Earl Cassidy	U.S. Geological Survey
Chris Castilian	Colorado Counties, Inc.
Mark Egbert	CDPHE, Health Statistics
Lisa Johnson	U.S. EPA, Region VIII
Roy Laws	Jefferson County Dept. Of Health
Leah Lewis	State Engineer's Office
Patricia Martinek	Colorado Dept. Of Transportation
Gordon McCurry	Camp, Dresser, & McKee
Sandy McDonald	CDPHE, Water Quality Control Division
George Moravec	CDPHE, Water Quality Control Division
Patricia Nelson	CH2M Hill
Matthew Sares	Colorado Geological Survey
Valois Shea-Albin	U.S. EPA, Region VIII
Candy Thompson	CDPHE, Hazardous Materials Division
Gary VanDerSlice	EnecoTech
Rob Wawrzynski	Colorado Dept. Of Agriculture
George Weber	Center for Community Dev. and Design, UCCS
Scott Winters	Dept. Of Labor and Employment

2.5 FEDERAL AGENCY STAKEHOLDERS

A separate set of meetings will be held with representatives from the federal land management agencies (i.e., U.S. Forest Service, Bureau of Land Management, and National Park Service) who own and manage large parcels of land in Colorado, once SWAP implementation is underway. The involvement of these agencies is important to the success of SWAP as many SWAAs will include federally owned lands. Headwaters that are part of SWAAs may be comprised solely of federally owned lands.

The need to inform the federal agencies of the program and to gain their cooperation in protecting local drinking water supplies received a boost in November, 1998, when the federal Multi-Agency Source Water Agreement was signed. This agreement, titled "*Integration of State, Tribal, and Local Drinking Water Source Assessment and Protection Initiatives Within a Watershed Framework*" calls for the federal agencies to help states, tribes, and local communities design and implement their drinking water SWAP programs. The agreement also calls for the federal agencies to draw on program authorities under relevant laws to assign priority to drinking water source areas needing protection. The signing of the agreement helped ensure that the goals of SWAP would be realized. These meetings will also serve to outline the role of some of these agencies as public water providers and therefore participants in SWAP in other ways as well.

2.6 MAILING LIST OF INTERESTED PARTIES

A mailing list was developed to ensure that those most directly affected by the SWAP would receive copies of the newsletters and periodic updates on the development and implementation of the program. People who have called to inquire about the program were also offered an opportunity to be added to the mailing list. In addition, the file of requests for the Wellhead Protection plan was converted into a mailing list for SWAP.

2.7 PUBLIC OUTREACH

It became clear that making people aware of the program and the opportunities to become involved through public outreach was critical to the overall success of SWAP. Considerable time and energy went into devising ways of reaching out to people and marketing the concept. The following describes some of the approaches used.

Web Site

The State took advantage of an EPA grant to design an interactive web page that was added to Colorado Department of Public Health and Environment's home page in May, 1998. To date, it has been used to describe the SWAP requirements, mission statement, goals, and objectives. Announcements of the various meetings (i.e., Design Team, Citizens' and Technical Advisory Team meetings), summaries and agendas also have been made available on the web site. Information about the latest draft of the SWAP program plan and the fact sheet covering frequently asked questions and answers on SWAP also have been made available. Key web pages have been translated into Spanish, and the web page address appears on all documents produced.

The SWAP web site will be an integral tool in conducting the SWAP assessments, providing the assessment results to the public, and as a public outreach tool. Web site development activities have been ongoing during the design phase of SWAP and will continue prior to and following final approval of the SWAP program plan. Additional uses of the web site will include:

Database Clearing House. The SWAP web site will be used as a database clearing house for the contaminant inventory databases. A secured or anonymous file transfer protocol (.ftp) site will be installed to facilitate the transfer of databases, which are not currently online. There will be a hot link to databases that are currently online.

Web-enabled GIS Mapping. To reduce the workload for making and distributing finished maps, a web-enabled GIS mapping capability will be developed into the web site, technology permitting. An application such as Map Objects will allow the users to view maps of the SWAAs and PSOC locations to the scale and level of detail which suits their needs, without having to request this information from the State or the contractor(s) performing the assessments. Posting the results of the assessments on the SWAP web site using this technology would provide an efficient way to notify the public of assessment results.

Public Outreach. In addition to being a good source of general information, the web site will also serve as a means to publicize upcoming meetings, as well as the quarterly SWAP newsletter which will describe the progress of the SWAP program. Copies of the final approved SWAP document also will be available on the web site.

Presentations

Formal presentations on SWAP began in 1997. The SWAP Coordinator devotes a percentage of time to solicit opportunities to make presentations, and tries to accommodate invitations for speaking engagements whenever possible. Requests were made of various groups to be included on the agendas for annual or monthly meetings, workshops, and seminars. A log of all presentations was kept, indicating the occasion, type of presentation, to whom each was made, the size of the audience, and notes on what worked and how to alter or improve the presentations. A listing of the presentations that have been given to date appears in Appendix B.

Public Workshops

Building public awareness and acceptance of SWAP as a community-based, cost-effective means of protecting drinking water resources requires large investments of time and energy. The overall success of the program hinges on this factor. Colorado has tried some creative approaches, but confronts an interesting challenge in attracting attention and convincing people to become involved. It is difficult to make the argument when there are typically few problems to providing high quality drinking water.

Workshops to generate public involvement in the design and implementation of local source water protection plans are planned for the summer and fall of 2000. These workshops are part of an overall strategy to educate people about the program, and to build awareness and participation. Targeted groups include the Scouts, Future Farmers of America, Retired Senior Volunteer Programs, watershed groups, and civic and church groups. These groups have been targeted because of their previous involvement in community-based environmental and educational efforts.

Efforts to expand stakeholder interest and involvement will target entities with an indirect interest in drinking water protection. Information on the State's approach to SWAP will be sent to publicly owned treatment works, solid waste handling facilities, soil conservation and ground water management districts. Targeted outreach to federal agencies will include periodic status reports to affected federal agencies such as the Natural Resource Conservation Service, U.S. Forest, Bureau of Land Management, and the National Park Service. Notice that the final SWAP program plan has been approved, as well as periodic status updates will be sent to all PWSs, Councils of Government, and municipal and county planning and environmental health offices. Opportunities to present SWAP at annual meetings and/or exhibit the SWAP poster display will also be pursued.

Building Public Awareness and Support

Attracting active public involvement in drinking water protection is a relatively new concept in Colorado, and therefore has required creative approaches to build awareness of the need to protect water sources and to provide opportunities to get involved. Recognizing that public awareness and support must precede involvement, a variety of tools have been developed to get the word out. Examples include tailoring presentations to specific audiences such as school-aged children, retirees, educators, water treatment plant operators, civic groups, and boards of PWSs. Marketing strategies are also being designed to target specific populations.

A poster board presentation that describes the program was developed and used at the public meetings and at seminars. Public service announcements on television, radio, and in the print media are also being explored, as is advertising on buses and movie screens.

To help build recognition for the program, a logo was developed with input from the Design Team. It has been used on SWAP documents, in poster sessions, and on the web page.

Making Assessment Results Available to the Public

The Safe Drinking Water Act requires that the outcomes of the source water assessments be made available to the public. Colorado will comply by working with the PWSs to devise convenient methods to inform the public of the results and at the same time educate them about the hazards indicated. The educational element is critical so that people can understand and distinguish between items of concern and those that do not pose a serious threat to public health.

It is anticipated that once the public receives notice of the results of the source water assessments that interest in the potential contaminant sources identified and the susceptibility of the PWS to these contaminants will be elevated. Small community systems and non-community transient systems in particular will likely need assistance helping consumers interpret the results of the assessment.

To make certain that Spanish-speaking citizens can understand the assessments, the results will contain a bold announcement in Spanish. The announcement will caution them that this is an important notice. They will be directed to call a number to receive the information in Spanish. This will be required for PWSs with a Spanish-speaking population in excess of ten percent of the consumers served.

Prior to disseminating the assessment results to the public, the PWS will receive an advance copy and be given opportunity to comment prior to release to the consumers. Where applicable or requested, guidance will be provided to the PWSs on how to format the notices, and how to respond to inquiries about the results. The State will also encourage PWSs to become more actively involved in the inventory of potential contaminants and the susceptibility analysis as they may receive calls and inquiries from customers on the results once they are released to the public.

A final decision on how to make this information available in readable form is being developed. The State, in cooperation with the PWS, will take the lead in disseminating this information, as well as serve as a resource to the PWSs on effective methods of conveying and interpreting the information. With respect to community PWSs, one likely means of disseminating the information is to include the results in the Consumer Confidence Reports (CCRs) mailed out annually to consumers informing them of the source of their drinking water and the constituents found in the finished water. The SWAP results would add information about PSOCs found in the area supplying their raw water source. Presenting the information in a concise, readable format will be important to building public awareness and avoiding confusion and possibly undue alarm.

In presenting the assessment results for a PWS in their CCR, it is envisioned that the results would be concisely summarized by the State's contractor(s) into a one or two page document, similar to an Executive Summary. This summary would also be posted on the SWAP web site for easy viewing by the public. However, in both cases, the public will be informed that a more complete report of the findings can be obtained from the State by downloading the report from the SWAP web site or by written request, if this option is not viable. The State will coordinate with personnel from the Drinking Water Program at CDPHE who oversee the CCR program, and see that every effort is made to ensure that these summaries are included in the CCRs annually.

Additional means used to notify the public would depend in part on cooperative assistance from the PWS. Where the PWS has agreed to help the State in notifying the public, the means may include: (1) notices sent out with water bills or under separate cover; (2) submitting a copy of the complete report along with the summary of the results to a central location(s) with announcements of their availability posted in the local paper or other news media; and/or (3) inclusion on the water provider's web site, where this is available. Similarly, where the PWS is less involved in dissemination of the results, it is expected that notices will be published in the local paper, instructing the public of their availability at a central location(s), or on the SWAP web site. The results for the non-community systems will be made available either through posting at the business or office site, the county or municipal offices, and/or published notices in a local paper informing the public where results can be obtained.

Regardless of who disseminates the results, a complete account of the assessment (the delineation, contaminant source inventory, and susceptibility analysis) will be available at convenient location(s) within the community, (e.g., the office of the PWS, local health department, library, or municipal building). The State will ensure that all assessment results will be published by June, 2003.

Updating the Assessments

Ideally, the SWAP assessments would become a self-perpetuating process benefiting the PWSs beyond the initial assessment phase that will be completed by 2003. However, currently there are no regulatory or funding mechanisms in place to assure that the assessments could be updated on a regular basis beyond the initial assessment phase. The proposed iterative approach recognizes

that unless this condition changes, a voluntary commitment by the PWSs will be needed to periodically update and build upon the initial assessments and data bases beyond the initial assessment phase. As new and/or additional information becomes available, it would need to be incorporated into the assessments by the PWSs to ensure that they remain useful tools to the PWSs and to local officials.

Ideally if regulatory and funding mechanisms were in place, the State could continue to refine and expand the data collection and integration methods for the regulatory databases, and could work with local and county agencies on developing their databases as needed and linking these databases to the SWAP database. Information from the State would be provided to the PWSs for use in the updates once it has been verified and could be made available statewide in uniform formats. This would likely occur at irregular intervals for a while, and would depend on the ability of the State to overcome the difficulty attendant to assembling and integrating the many different data sets. The State would work with the PWSs and the local governments in improving their capabilities to provide local information to the SWAP database.

Ideally, once the information needed to complete the assessments was readily available in useable formats statewide, the assessments would be updated for all PWSs at least every two years by a contractor(s) selected by the State. The updates would need to examine the continued applicability of the delineated area, review and make any necessary additions or deletions to the contaminant inventory, and revise the susceptibility analysis based on any changes in the inventory or in the process used to rate the risks. A two-year timeframe would be adequate once the iterative process used in the assessments is completed. The update would serve to remind local officials and citizens of the activities and contaminants cited in previous iterations, and reinforce the need to address the more serious problems. Again, unless additional funding and regulatory mechanisms are put in place, periodic updating of the assessments can only be realized through a voluntary effort by the PWSs themselves.

2.8 RELEASE OF DRAFT PROGRAM PLAN FOR INTERNAL AND EXTERNAL COMMENT

Initial drafts of the SWAP program plan have been circulated to the Design Team and to Division staff for review and comment. Drafts were distributed at presentations, during the four public meetings, and were also available from the web page. The Citizens and Technical Advisory Team members also were provided copies. Comments were solicited in each instance. All comments and recommendations received were reviewed and a responsiveness summary outlining how they were handled was developed and appended to the SWAP program plan (see Appendix C).

2.9 REGIONAL WATERSHED MEETINGS

A series of public meetings to receive comments on the drafts were held at select locations around the state in the fall of 1998 (see **Table 2.5**). The comments and recommendations received at these meetings have been addressed in a responsiveness summary that outlines how the comment or recommendation was handled. The responsiveness summary has been included in Appendix C. The meetings provided an opportunity to explain the SWAP concept, solicit input, and answer citizens' questions about it. A few PWSs volunteered to try the concepts out on a pilot basis, once the final draft was submitted.

Table 2.5 SWAP Regional Public Meeting Schedule

<u>Basin/Location</u>	<u>Date</u>
Lower Colorado River Montrose	October 26, 1998
Upper Colorado River Glenwood Springs	October 27, 1998
South Platte River Denver	November 17, 1998
Arkansas & Rio Grande Rivers Pueblo	November 18, 1998

2.10 REGION-WIDE CONFERENCE

The Clean Water Action Fund hosted a conference in Denver on January 9, 1999 concerning public participation in SWAP. Citizen and community groups in each of the EPA Region VIII states (CO, MT, ND, SD, UT, and WY) were encouraged to attend. The goal of the conference was to inform people about SWAP, and to enlist their participation in working with communities to develop SWAP plans for PWSs. The Division worked with the Denver-based Clean Water Action Fund staff on the design of the conference, served as presenters, and panel discussion members.

2.11 SOURCE WATER PROTECTION

Once the SWAP assessment phase is complete and the results have been reported, the identification and installation of protective measures should begin. This is the "protection" phase of SWAP. It is a voluntary component and is undertaken by the PWS with citizen involvement.

The Division will provide guidance and technical assistance and will help identify potential means of funding the measures.

Public involvement is a very important part of the protection component. The PWSs will be encouraged to move forward to take any actions needed to protect the source water from the most serious PSOCs identified in the assessment. The guidebook developed for community participation in the Wellhead Protection program will be adapted to address public participation in SWAP.

As a point of departure for source water protection, the PWS is advised to put together a team of individuals and groups who will take the assessment results and prioritize activity on them. Membership on future local SWAP committees should reach out to include the following as examples:

- citizens and water consumers
- public water providers
- local elected and appointed officials
- landowners
- public health agencies
- other water providers (ditch companies, water conservancy districts, ground water management districts)
- business owners

The State's advice is to be inclusive and to attract as many diverse interests as possible. A key member of the group is the facilitator or contact person. This person functions in a staff role to organize the effort and carry out the decisions of the SWAP committee. The facilitator is the contact with the State or PWS and works to carry out the program goals at the local level.

As the protective process gains momentum, the future local SWAP committee should have the authority to move forward with SWAP, and be an equal partner with the State. The State hopes to be in a position to provide technical support and advice as requested. The future local SWAP committee will use its knowledge of the source water protection area and local traditions to build local acceptance for the program. The dialogue between the State and the future local SWAP committees will benefit the implementation of source water protection at the local level.

Potential future financial resources available for implementation of the source water protection plans could be used to implement the protection plans developed and endorsed by the local SWAP committees.