

# STATE OF COLORADO

Bill Ritter, Jr., Governor  
Martha E. Rudolph, Executive Director

Dedicated to protecting and improving the health and environment of the people of Colorado

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Colorado Department  
of Public Health  
and Environment

July 14, 2010

Ms. Janet Bronitsky, Executive Administrator  
Congregation Emanuel  
51 Grape Street  
Denver, Colorado 80220

**RE: Compliance Order on Consent, Number: MC-100713-1**

Dear Ms. Bronitsky:

Enclosed for Congregation Emanuel's records you will find your copy, with original signatures, of the recently executed Compliance Order on Consent. Please remember that this agreement is subject to a thirty-day public comment period (paragraph 29). Upon initiation, if the Division receives any comments during this period we will contact your office to discuss. Also, please be advised that the first page of the Order was changed in order to place the assigned Order Number on the final document.

If you have any questions, please don't hesitate to contact Jackie Whelan at (303) 692-3612 or by electronic mail at [jackie.whelan@state.co.us](mailto:jackie.whelan@state.co.us).

Sincerely,

Russell Zigler, Legal Assistant  
Compliance Assurance Section  
Enforcement Unit  
WATER QUALITY CONTROL DIVISION

*Enclosure(s)*

cc: Clear Creek County Public and Environmental Health  
Clear Creek County Environmental Health Department

ec: Aaron Urdiales, EPA Region VIII  
Doug Camrud, Engineering Section, CDPHE

Dick Parachini, Watershed Program, CDPHE  
Gary Beers, Permits Unit, CDPHE  
Michael Beck, OPA  
Jackie Whelan, Case Person



**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**  
**DIVISION OF ADMINISTRATION**  
**WATER QUALITY CONTROL DIVISION**

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**COMPLIANCE ORDER ON CONSENT**

**NUMBER: MC-100713-1**

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**IN THE MATTER OF: CONGREGATION EMANUEL**  
**SHWAYDER CAMP WASTEWATER TREATMENT FACILITY**  
**CDPS PERMIT NO. CO-0047473**  
**CLEAR CREEK COUNTY, COLORADO**

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The Colorado Department of Public Health and Environment (“Department”), through the Water Quality Control Division (“Division”), issues this Compliance Order on Consent (“Consent Order”), pursuant to the Division’s authority under §§25-8-602 and 605, C.R.S. of the Colorado Water Quality Control Act (“the Act”) §§ 25-8-101 to 703, C.R.S., and its implementing regulations, with the express consent of Congregation Emanuel. The Division and Congregation Emanuel may be referred to collectively as “the Parties.”

**STATEMENT OF PURPOSE**

1. The mutual objective of the Parties in entering into this Consent Order is to resolve, without litigation, the civil penalties associated with the alleged violations cited herein and in the Notice of Violation and Cease and Desist Order (Number MO-060316-1) issued to Congregation Emanuel on March 16, 2006 (the “NOV/CDO”).

**DIVISION’S FINDINGS OF FACT AND DETERMINATION OF VIOLATIONS**

2. Based upon the Division’s investigation into and review of the compliance issues identified herein, and in accordance with §§25-8-602 and 605, C.R.S., the Division has made the following determinations regarding Congregation Emanuel, the Facility and Congregation Emanuel’s compliance with the Act and its implementing regulations and Congregation Emanuel’s Colorado Discharge Permit System permits.
3. At all times relevant to the violations cited herein, Congregation Emanuel was a Colorado corporation and registered to conduct business in the State of Colorado.

4. Congregation Emanuel is a “person” as defined under the Water Quality Control Act, §25-8-103(13), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2(73).
5. Congregation Emanuel owns and operates a wastewater treatment facility, known as the Shwayder Camp Wastewater Treatment Facility, located in the Southwest 1/4 of the Northwest 1/4 of Section 31, Township 4 South, Range 73 East, 6<sup>th</sup> Principal Meridian, Clear Creek County, Colorado (the “Facility”).
6. Between February 1, 2000 and June 6, 2005, the Facility was the subject of the Colorado Discharge Permit System (“CDPS”), General Permit No. COG584000 as established by CDPS Permit Certification effective February 1, 2000. Beginning on June 7, 2005 through June 30, 2007, the Facility was authorized, via CDPS Permit Certification No. COG588009, to discharge under CDPS General Permit COG588000 which replaced General Permit No. COG584000. On July 1, 2007, the discharge authorization under permit COG584000 was replaced by CDPS Permit No. CO-0047473 which will expire June 30, 2012.
7. The above CDPS permits/certifications all authorized a discharge from the Facility to Chicago Creek through Outfall 001A.
8. Outfall 001A is a “point source” as defined by §25-8-103(14), C.R.S.
9. Chicago Creek is “state waters” as defined by §25-8-103(19), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2 (102).
10. Section 61.8, 5 CCR 1002-61, states in part that “A permittee must comply with all the terms and conditions of the permit.”

Failure to Comply with Effluent Limitations

11. Pursuant to Part I.B.6.a. of CDPS General Permit No. COG584000; Part I.B.7.b. of CDPS General Permit No. COG588000 and Part I.A.5 and Part I.A.6 of CDPS Permit CO-0047473, Congregation Emanuel’s discharge at outfall 001A, should not have exceeded corresponding effluent limitations for 5-day Biochemical Oxygen Demand (“BOD<sub>5</sub>”), BOD<sub>5</sub> Removal, Total Suspended Solids (“TSS”), TSS Removal, Fecal Coliform, Total Inorganic Nitrogen (“TIN”) and Flow as specified below:

EFFLUENT PARAMETER	DISCHARGE LIMITATION	
	30-Day Average	7-Day Average
BOD <sub>5</sub> (mg/l)	30	45
BOD <sub>5</sub> Removal (%)	85 (min.)	-
TSS (mg/l))	30	45
TSS Removal (%)	85 (min.)	-
Flow (MGD)	0.009	-
Fecal Coliform (no./100ml)	6,000	12,000
TIN (mg/l)	52.5	-

12. Pursuant to the requirements of the various permits, Congregation Emanuel collects specific samples at a discharge location described therein as Outfall 001A, following chlorination and prior to entering Chicago Creek.
13. The analytical results of the samples collected at Outfall 001A are summarized by Congregation Emanuel and reported to the Division via monthly Discharge Monitoring Reports (“DMRs”).
14. The DMRs submitted by Congregation Emanuel include a certification by Congregation Emanuel that the information provided therein is true, accurate, and complete, to the knowledge and belief of Congregation Emanuel.
15. The DMRs for the months of June 2003 through July 2008 include, in addition to other data not subject of this action, the following effluent measurement and/or calculated data for BOD<sub>5</sub>, BOD<sub>5</sub> Removal, TSS, TSS Removal, Flow, Fecal Coliform and TIN in violation of the effluent limits established in the various Permits:

REPORTED EFFLUENT SELF-MONITORING DATA (OUTFALL 001A)		
DMR Reporting Period and Parameter	30-Day Average	7-Day Average
<b>BOD<sub>5</sub> (in mg/l)</b>	<b>Limit = 30 mg/l</b>	<b>Limit = 45mg/l</b>
June 1-June 30, 2003	93	93
July 1-July 31, 2003	56	63
September 1-September 30, 2003	59	59

<b>REPORTED EFFLUENT SELF-MONITORING DATA (OUTFALL 001A)</b>		
<b>DMR Reporting Period and Parameter</b>	<b>30-Day Average</b>	<b>7-Day Average</b>
<b>BOD<sub>5</sub> (in mg/l) (continued)</b>	<b>Limit = 30 mg/l</b>	<b>Limit = 45mg/l</b>
July 1-July 31, 2004	33	68
August 1-August 31, 2004	59	59
May 1-May 31, 2005	52	52
July 1-July 31, 2005	47	47
August 1-August 31, 2005	48	48
June 1-June 30, 2006	-	76
July 1-July 31, 2008	66	66
<b>BOD<sub>5</sub> Removal (in %)</b>	<b>Limit = 85 % (min.)</b>	<b>N/A</b>
September 1-September 30, 2003	77	-
August 1-August 31, 2004	82	-
May 1-May 31, 2005	75	-
July 1-July 31, 2008	77.85	-
<b>TSS (mg/l)</b>	<b>Limit = 30 mg/l</b>	<b>Limit = 45 mg/l</b>
June 1-June 30, 2003	76	76
September 1-September 30, 2003	46	46
July 1-July 31, 2008	57	57
<b>TSS Removal (%)</b>	<b>Limit = 85 % (min.)</b>	<b>N/A</b>
September 1-September 30, 2003	78	-
July 1-July 31, 2004	84	-
August 1-August 31, 2004	82	-
July 1-July 31, 2005	50	-
August 1-August 31, 2005	71	-
June 1-June 30, 2006	71	-
July 1-July 31, 2008	67.61	-
<b>Fecal Coliform (no./100ml)</b>	<b>Limit = 6,000/100ml</b>	<b>Limit = 12,000/100ml</b>
July 1-July 31, 2005	64,440	77,775

<b>REPORTED EFFLUENT SELF-MONITORING DATA (OUTFALL 001A)</b>		
<b>DMR Reporting Period and Parameter</b>	<b>30-Day Average</b>	<b>7-Day Average</b>
<b>Flow (MGD)</b>	<b>Limit = 009 MGD</b>	<b>Limit = N/A</b>
September 1-September 30, 2003	0.038	-
<b>TIN (mg/l)</b>	<b>Limit = 52.5 mg/l</b>	<b>Limit = N/A</b>
July 1-July 31, 2008	53.76	-

16. BOD<sub>5</sub>, BOD<sub>5</sub> Removal, TSS, TSS Removal, Fecal Coliform, TIN and Flow are “pollutants” as defined by §25-8-103(15), C.R.S., or indicators thereof.
17. Congregation Emanuel’s failure to comply with the effluent limitations identified in paragraph 11 above constitutes violations of Part I.B.6.a. of CDPS General Permit No. COG584000; Part I.B.7.b. of CDPS General Permit No. COG588000; and, Part I.A.5 and Part I.A.6 of CDPS Permit CO-0047473.

### **ORDER AND AGREEMENT**

18. Based on the foregoing factual and legal determinations, pursuant to its authority under §§25-8-602 and 605, C.R.S., and in satisfaction of the civil penalties associated with the alleged violations cited herein and in the Notice of Violation / Cease and Desist Order (Number: MO-060316-1), the Division orders Congregation Emanuel to comply with all provisions of this Consent Order, including all requirements set forth below.
19. Congregation Emanuel agrees to the terms and conditions of this Consent Order. Congregation Emanuel agrees that this Consent Order constitutes a notice of alleged violation and an order issued pursuant to §§25-8-602 and 605, C.R.S., and is an enforceable requirement of the Act. Congregation Emanuel also agrees not to challenge directly or collaterally, in any judicial or administrative proceeding brought by the Division or by Congregation Emanuel against the Division:
  - a. The issuance of this Consent Order;
  - b. The factual and legal determinations made by the Division herein; and
  - c. The Division’s authority to bring, or the court’s jurisdiction to hear, any action to enforce the terms of this Consent Order under the Act.
20. Notwithstanding the above, Congregation Emanuel does not admit to any of the factual or legal determinations made by the Division herein, and any action undertaken by Congregation Emanuel

pursuant to this Consent Order shall not constitute evidence of fault by Congregation Emanuel with respect to the conditions of the Facility.

### **CIVIL PENALTY AND SUPPLEMENTAL ENVIRONMENTAL PROJECTS**

21. In addition to all other funds necessary to comply with the requirements of this Consent Order, Congregation Emanuel shall pay Twenty Five Thousand Dollars (\$25,000.00) in the form of civil penalties and expenditures on a Supplemental Environmental Project (“SEP”) in order to achieve settlement of this matter.
22. Based upon the application of the Division’s Civil Penalty Policy (May 1, 1993 and consistent with Departmental policies for violations of the Act, Congregation Emanuel shall pay Five Thousand Dollars (\$5,000.00) in civil penalties. The Division intends to petition the Executive Director, or her designee, to impose the Five Thousand Dollars (\$5,000.00) civil penalty for the above violation(s) and Congregation Emanuel agrees to make the payment within thirty (30) calendar days of the issuance of a Penalty Order by the Executive Director or her designee. Method of payment shall be by certified or cashier’s check drawn to the order of the “Colorado Department of Public Health and Environment,” and delivered to:  
  
Colorado Department of Public Health and Environment  
WQCD-CAS  
Attention: Jacalyn Whelan  
4300 Cherry Creek Drive South  
Denver, Colorado 80246-1530
23. Congregation Emanuel shall also perform the SEP identified below. Congregation Emanuel’s total expenditure for the SEP shall not be less than Twenty Thousand Dollars (\$20,000.00).
24. Congregation Emanuel shall undertake the following SEP, which the Parties agree is intended to secure significant environmental or public health protection and improvements:
  - a. Congregation Emanuel shall donate Twenty Thousand Dollars (\$20,000.00) to the University of Colorado. The funds will be used for a climate adaptation study pertaining to economic and natural resource vulnerabilities from climate change in Colorado as further described in Exhibit A. Congregation Emanuel shall make the payment of Twenty Thousand Dollars (\$20,000.00) to the attention of Bradley Udall, University of Colorado at Boulder, CU-NOAA Western Water Assessment (WWA), 216 UCB, Boulder, Colorado 80309. Congregation Emanuel shall provide the Division with a copy of the cover letter and check within thirty (30) calendar days of the effective date of this Consent Order.
25. Congregation Emanuel shall not deduct the expenses associated with the implementation of the above-described SEP for any tax purpose or otherwise obtain any favorable tax treatment of such payment or project.

26. Congregation Emanuel hereby certifies that, as of the date of this Consent Order, it is not under any existing legal obligation to perform or develop the SEP. Congregation Emanuel further certifies that it has not received, and will not receive, credit in any other enforcement action for the SEP. In the event that Congregation Emanuel has, or will receive credit under any other legal obligation for the SEP, Congregation Emanuel shall pay Twenty Thousand Dollars (\$20,000.00), to the Division as a civil penalty within thirty (30) calendar days of receipt of a demand for payment by the Division. Method of payment shall be by certified or cashier's check drawn to the order of the "Colorado Department of Public Health and Environment," and delivered as set forth in paragraph 22 above.
27. Congregation Emanuel's will be deemed to have met its obligations regarding performance of the SEP upon presentation of a cover letter and copy of the check identifying the monies for the above-described project provided that it does so within thirty (30) calendar days of the effective date of this Consent Order. In the event that Congregation Emanuel fails to comply with any of the terms or provisions of this Consent Order relating to the performance of the SEP, Congregation Emanuel shall be liable for penalties as follows:
  - a. Payment of a penalty in the amount of Twenty Thousand Dollars (\$20,000.00). The Division, in its sole discretion, may elect to reduce this penalty for environmental benefits created by the partial performance of the SEP.
  - b. Congregation Emanuel shall pay this penalty within thirty (30) calendar days of receipt of written demand by the Division. Method of payment shall be as specified in paragraph 22 above.

#### **SCOPE AND EFFECT OF CONSENT ORDER**

28. The Parties agree and acknowledge that this Consent Order constitutes a full and final settlement of the civil penalties associated with the violations cited herein and in Notice of Violation and Cease and Desist Order (Number MO-060316-1) issued to Congregation Emanuel on March 16, 2006.
29. This Consent Order is subject to the Division's "Public Notification of Administrative Enforcement Actions Policy," which includes a thirty-day public comment period. The Division and Congregation Emanuel each reserve the right to withdraw consent to this Consent Order if comments received during the thirty-day period result in any proposed modification to the Consent Order.
30. This Consent Order constitutes a final agency order or action upon a determination by the Division following the public comment period. Any violation of the provisions of this Consent Order by Congregation Emanuel, including any false certifications, shall be a violation of a final order or action of the Division for the purpose of §25-8-608, C.R.S., and may result in the assessment of civil penalties of up to ten thousand dollars (\$10,000.00) per day for each day during which such violation occurs.

31. Notwithstanding paragraph 20 above, the violations described in this Consent Order will constitute part of Congregation Emanuel's compliance history for purposes where such history is relevant. This includes considering the violations described above in assessing a penalty for any subsequent violations against Congregation Emanuel. Congregation Emanuel agrees not to challenge the use of the cited violations for any such purpose.
32. This Consent Order does not relieve Congregation Emanuel from complying with all applicable Federal, State, and/or local laws in fulfillment of its obligations hereunder and shall obtain all necessary approvals and/or permits to conduct the activities required by this Consent Order. The Division makes no representation with respect to approvals and/or permits required by Federal, State, or local laws other than those specifically referred to herein.

### **LIMITATIONS, RELEASES AND RESERVATION OF RIGHTS AND LIABILITY**

33. Upon the effective date of this Consent Order, and during its term, this Consent Order shall stand in lieu of any other enforcement action by the Division with respect to civil penalties for the specific instances of violations cited herein and in the Notice of Violation and Cease and Desist Order (Number MO-060316-1) issued to Congregation Emanuel on March 16, 2006. The Division reserves the right to bring any action to enforce this Consent Order, including actions for penalties or the collection thereof, and/or injunctive relief.
34. This Consent Order does not grant any release of liability for any violations not specifically cited herein.
35. Nothing in this Consent Order shall preclude the Division from imposing additional requirements in the event that new information is discovered that indicates such requirements are necessary to protect human health or the environment.
36. Upon the effective date of this Consent Order, Congregation Emanuel releases and covenants not to sue the State of Colorado or its employees, agents or representatives as to all common law or statutory claims or counterclaims arising from, or relating to, the violations of the Act specifically addressed herein.
37. Congregation Emanuel shall not seek to hold the State of Colorado or its employees, agents or representatives liable for any injuries or damages to persons or property resulting from acts or omissions of Congregation Emanuel, or those acting for or on behalf of Congregation Emanuel, including its officers, employees, agents, successors, representatives, contractors, consultants or attorneys in carrying out activities pursuant to this Consent Order. Congregation Emanuel shall not hold out the State of Colorado or its employees, agents or representatives as a party to any contract entered into by Congregation Emanuel in carrying out activities pursuant to this Consent Order. Nothing in this Consent Order shall constitute an express or implied waiver of immunity otherwise applicable to the State of Colorado, its employees, agents or representatives.

38. Delay in the achievement of one requirement shall not necessarily justify or excuse delay in the achievement of subsequent requirements. In the event any performance under this Consent Order is found to have been delayed by a force majeure, Congregation Emanuel shall perform the requirements of this Consent Order that were delayed by the force majeure with all due diligence.

### **NOTICES**

39. Unless otherwise specified, any report, notice or other communication required under the Consent Order shall be sent to:

For the Division:

Colorado Department of Public Health and Environment  
WQCD-CAS  
Attention: Jacalyn Whelan  
4300 Cherry Creek Drive South  
Denver, Colorado 80246-1530  
Telephone: 303.692.3612  
E-mail: jackie.whelan@state.co.us

For Congregation Emanuel:

Janet Bronitsky, Executive Administrator  
Congregation Emanuel  
51 Grape Street  
Denver, CO 80220

### **MODIFICATIONS**

40. This Consent Order may be modified only upon mutual written agreement of the Parties.

### **NOTICE OF EFFECTIVE DATE**

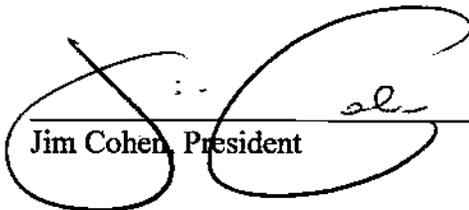
41. This Consent Order shall be fully effective, enforceable and constitute a final agency action upon notice from the Division following closure of the public comment period referenced in paragraph 29.

### **BINDING EFFECT AND AUTHORIZATION TO SIGN**

42. This Consent Order is binding upon Congregation Emanuel and its elected officials, employees, agents, representatives, successors in interest, and assigns. The undersigned warrant that they are authorized to legally bind their respective principals to this Consent Order. Congregation Emanuel agrees to provide a copy of this Consent Order to any contractors and other agents

performing work pursuant to this Consent Order and require such agents to comply with the requirements of this Consent Order. In the event that a party does not sign this Consent Order within thirty (30) calendar days of the other party's signature, this Consent Order becomes null and void. This Consent Order may be executed in multiple counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same Consent Order.

**FOR CONGREGATION EMANUEL:**

 \_\_\_\_\_ Date: 6/23/10  
Jim Cohen, President

**FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT:**

 \_\_\_\_\_ Date: July 13, 2010  
Lori M. Gerzina, Manager  
Compliance Assurance Section  
WATER QUALITY CONTROL DIVISION

## SUPPLEMENTAL ENVIRONMENTAL PROJECTS (SEP) PROPOSAL/AGREEMENT

The regulated entity, identified below, submits the following SEP application to the Colorado Department of Public Health and Environment (the department) for SEP consideration.

<b>Enforcement Action Information</b>	Congregation Emanuel Case No.: MO-060316-1
<b>Regulated Entity Contact Information</b>	Janet Bronitsky Congregation Emmanuel 51 Grape Street Denver, CO 80220 (303) 388-4013 bronitsky@congregationmanuel.com
<b>3<sup>rd</sup> Party SEP Recipient Contact</b>	Bradley Udall 303-497-4573 Bradley.Udall@colorado.edu University of Colorado at Boulder CU-NOAA Western Water Assessment (WWA) 216 UCB Boulder, Colorado 80309
<b>CDPHE Contact Person</b>	Rachel Wilson-Roussel 303-692-2976
<b>Geographical Area to Benefit Most Directly From Project</b>	Agricultural areas, forests, and watersheds in Colorado and the communities that depend on them.
<b>Project Title</b>	Climate Preparedness in Colorado – Task 3, Structured Interviews
<b>Project Type</b>	Third Party SEP Donation
<b>SEP Category</b>	Environmental Assessment
<b>Project Summary</b>	<p>The Climate Preparedness in Colorado Project is a climate adaptation study pertaining to economic and natural resource vulnerabilities from climate change. The study will be primarily devoted to identifying specific sector by sector vulnerabilities in Colorado and offering adaptation strategy options. The lead authors are the University of Colorado and the National Oceanographic and Atmospheric Administration’s Earth System Research Laboratory (CU-NOAA Western Water Assessment).</p> <p>This specific SEP will assist in funding Task 3 of the Climate Preparedness project which undertakes structured interviews that will allow the identification of societal impacts and vulnerabilities by the interviewees, ongoing preparedness efforts by the state and others, identification of personnel active in such efforts and other critical information necessary to create the final Climate Preparedness in Colorado Report.</p>

<b>Project Description</b>	<p><b>Introduction/Background</b></p> <p>In November of 2007, Governor Ritter released the “Colorado Climate Action Plan: A strategy to address Global Warming”.<sup>1</sup> The CCAP outlined three key strategies for the state government to address the climate challenge: (1) enact bridge strategies to reduce greenhouse gas emissions immediately, (2) provide leadership to ensure that long term strategies are developed and implemented, and (3) prepare the state to adapt to those climate changes which cannot be avoided.</p> <p>In the intervening 30 months since the release of the report much has transpired on all three goals. This report will address the state’s progress towards meeting CCAP goal 3: preparing the state to adapt to unavoidable climate changes. The primary purpose of this effort will be to provide a catalog of climate vulnerabilities and current activities, personnel, products, and projects from Colorado and other applicable entities along with policy relevant, but not prescriptive, suggestions for future actions.</p> <p>Climate, in the context of this new effort, will include both climate variability and climate change. Planning for climate variability has been pursued for many years by climate-vulnerable sectors. Planning for climate change, however, is a new activity and it is particularly difficult because some of the future environmental impacts are unknown and because minimizing future societal impacts will involve understanding the complicated interactions between sectors such as water and agriculture. Climate change in many cases will be experienced through new forms of climate variability. By combining climate variability with climate change into one topical area, “climate preparedness”, this report will overcome the somewhat artificial distinction between the two timescales and at least some of the current difficulties of planning for climate change.</p> <p>The effort will cover five key sectors: (1) water, (2) agriculture, (3) wildlife, ecosystems and forestry, (4) climate-sensitive recreation and tourism, and (5) energy. It will also consider the interactions between sectors; for example, water and energy are linked and decisions in one sector (e.g., convert power plants to natural gas) can affect the other sector (e.g., consume less water). This project will accomplish its goals through three distinct tasks: (1) a literature search, (2) the creation of a database of climate response activities underway, planned and/or desired in Colorado (supplemented by selected materials from other locations), (3) structured interviews with key decision makers and other personnel, and (4) a final report, “<i>Climate Preparedness in Colorado</i>” summarizing all of these efforts, prepared by the University of Colorado, with assistance from the State, by January 10, 2011.</p> <p><b>The objective of this specific SEP, is to fund <u>Task 3</u> of the overall project.</b></p> <p><b>Task 3: Structured Interviews</b></p> <p><b>Purpose</b></p> <p>The purpose of these interviews is to: (1) provide additional information for the database and wiki; (2) identify impacts and vulnerabilities in the sectors; and (3) provide information that will form the basis of the final report for the state of Colorado.</p>
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<sup>1</sup> <http://www.cdphe.state.co.us/climate/climateactionplan.html>

## **Overview**

Structured interviews and follow-on discussions with decision makers and other relevant personnel are the core part of this effort. The structured interviews will allow the identification of societal impacts and vulnerabilities by the interviewees, ongoing preparedness efforts by the state and others, identification of personnel active in such efforts, and other critical information necessary to create the final report and populate the database and wiki.

We will conduct up to five – but more likely two or three - individual and group interviews, per sector. An interview plan will be prepared for each sector before this task will commence. The plan will identify by sector the target interviewees and a proposed interviewer team. The need to provide interviewee confidentiality in each meeting will be considered as part of the plan. The interview plan will be prepared in conjunction with the state, the University of Colorado, and key outsiders to make sure that the right mix of interviewers and interviewees is present in each meeting. For example, interviewers for each interview would likely include the project manager (Klein), a climate science expert (Udall), a social science expert (Travis) and sectoral experts. To increase consistency from meeting to meeting, to the extent possible, the interview team will remain constant with the exception of the sectoral expert. The groups to be interviewed will be identified by the state in consultation with the project team. Each interview group could include several people from one state entity, or people from different state entities. Consideration should be given to including participants who are outside the normal high-level discussions about climate but may have valuable insights. Meetings with NGOs and for-profit entities might be included to the extent desired by the state. We anticipate most interviews will be conducted in person, although some may take place on the phone. The interviews will be recorded for later transcription. Follow-up phone calls, emails and other forms of communication may be necessary to obtain additional information or clarification.

Prior to each interview the project team will prepare two documents, a set of questions, and a brief overview of the known climate-related science, environmental and societal impacts associated with the sector. The set of questions will be provided ahead of time so that the interviewees can be adequately prepared, including inviting additional people to the meeting if necessary. Sample questions are provided below. A consistent set of questions will allow post-interview comparison from sector to sector. The science, environmental, and societal impacts summary will provide basic information on the known impacts of climate on the sector. We expect this document to be prepared from documents such as the U.S. Global Climate Change Impacts in the United States report produced in 2009<sup>2</sup>. This overview will provide critical background for an informed discussion of the societal impacts and vulnerabilities during the interview.

## **Pilot Interviews**

A series of two or three pilot interviews will precede the structured interviews. The purpose of the pilot interviews is to test the interview questions and identify any issues that might arise with the interview plan. Pilot Interviewees will include members of the group of state personnel who are advising the University of Colorado team, specifically: Veva DeHeza, Taryn Hutchins-Cabibi, and Jennifer Gimbel, CWCB; Jim Miller, Department of Agriculture; Tom Schreiner, Division of Wildlife; Seth Portner, Governor's Energy Office; Alice Madden, Governor's

<sup>2</sup> See <http://www.globalchange.gov/publications/reports/scientific-assessments/us-impacts>

Climate Advisor, and Ginny Brannon, Dave Akers, Colorado Department of Health and the Environment. Pilot interviews will cover at least two sectors, likely water and energy. Final interviewees will be provided by the state advisory team in consultation with the project team.

Note: Pursuant to University of Colorado policy, all research involving human participants that is conducted by UCB faculty, staff or students must receive some level of review by the Institutional Review Board (IRB). The team will seek the relevant approvals before commencing interviews.

### **Sample Interview Questions**

Questions to be asked of all interview subjects might include:

1. What climate-related stresses affect your decision making?
2. What non-climate related stresses affect your decision making?
3. How you noted any climate changes in your professional area of concern over the course of your career, or in recent years?
4. What are your top-three concerns about both climate and non-climate vulnerabilities for your sector?
5. Who are the key players in your organization who deal with climate preparedness?
6. What key organizations do you interact with to handle climate preparedness?
7. What basic questions need to be asked before we can begin adaptation planning? For example, will climate-stresses be overwhelmed by growth stresses? What solutions are and are not possible?
8. What are known climate-related impacts and vulnerabilities for the sector?
9. What climate variability and change adaptation actions are...
  - a. Underway?
  - b. Completed?
  - c. Planned?
  - d. None of the above, but desirable?
10. What existing planning documents, either from your organization or others, are important for climate preparedness?
11. What existing laws, federal and state, aid or hinder climate preparedness by your organization?
12. How would these regulations need to be adjusted?
13. What information needs do you have to make decisions with respect to...

	<ul style="list-style-type: none"> <li>a. Monitoring?</li> <li>b. Data?</li> <li>c. Science?</li> <li>d. Research?</li> <li>e. Personnel?</li> <li>f. Other Resources, e.g., GIS?</li> </ul> <p>14. Are you aware of any cross-sectoral impacts that would affect your climate preparedness? For example, what changes, either from climate or other major stresses, e.g., growth, in another sector affect your climate preparedness decision making either positively or negatively?</p> <p>15. Sectoral Questions. For each sector we will ask a series of focused questions. For example, we will provide a list of measures that have been suggested for coping with climate variability and change in a given sector, and ask which of the measures their agency has adopted/is thinking of adopting/has considered but rejected? What are the pros and cons of each measure for adapting to climate variation and change? What is considered a 'good' result and what is considered an 'unacceptable' out come?</p>																		
<p><b>Expected Environmental and/or Public Health Benefits</b></p>	<p>The project will offer an up to date report on adaptation impacts, vulnerabilities and measures, from which to launch an analysis of specific sector by sector vulnerabilities in Colorado, without which, adaptation planning cannot occur.</p>																		
<p><b>Project Budget</b></p>	<table border="1"> <thead> <tr> <th data-bbox="431 1045 745 1094">Category</th> <th data-bbox="745 1045 1273 1094">Description</th> <th data-bbox="1273 1045 1466 1094">Cost</th> </tr> </thead> <tbody> <tr> <td data-bbox="431 1094 745 1142">Personnel / Staff</td> <td data-bbox="745 1094 1273 1142">Prepare interview questions</td> <td data-bbox="1273 1094 1466 1142">\$ 2,000</td> </tr> <tr> <td data-bbox="431 1142 745 1190">Personnel / Staff</td> <td data-bbox="745 1142 1273 1190">Pilot Interviews (and vetting of questions)</td> <td data-bbox="1273 1142 1466 1190">\$ 4,000</td> </tr> <tr> <td data-bbox="431 1190 745 1239">Personnel / Staff</td> <td data-bbox="745 1190 1273 1239">Sector Interviews</td> <td data-bbox="1273 1190 1466 1239">\$ 8,000</td> </tr> <tr> <td data-bbox="431 1239 745 1287">Personnel / Staff</td> <td data-bbox="745 1239 1273 1287">Data Compilation and Organization</td> <td data-bbox="1273 1239 1466 1287">\$ 6,000</td> </tr> <tr> <td colspan="2" data-bbox="431 1287 1273 1318" style="text-align: right;"><b>Total:</b></td> <td data-bbox="1273 1287 1466 1318"><b>\$ 20,000</b></td> </tr> </tbody> </table>	Category	Description	Cost	Personnel / Staff	Prepare interview questions	\$ 2,000	Personnel / Staff	Pilot Interviews (and vetting of questions)	\$ 4,000	Personnel / Staff	Sector Interviews	\$ 8,000	Personnel / Staff	Data Compilation and Organization	\$ 6,000	<b>Total:</b>		<b>\$ 20,000</b>
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<p><b>Reporting</b></p>	<p>Project reports will provide sufficient information for the department to monitor the project implementation status, to verify and document the proper expenditure of SEP funds, and to evaluate the effectiveness and benefits of the SEP. A full expense accounting, including proof of all payments, will be provided in the SEP Completion Report. The SEP Completion report will contain:</p>																		

	<ul style="list-style-type: none"> <li>• A detailed description of the project as implemented;</li> <li>• A description of any operating problems encountered and the solutions thereto;</li> <li>• Itemized costs, documented by copies of purchase orders and receipts or canceled checks;</li> <li>• Certification and demonstration that the SEP has been fully implemented pursuant to the provisions of the Consent Order; and</li> <li>• A description of the environmental and public health benefits resulting from implementation of the SEP along with <b>quantification</b> of the outcomes and benefits.</li> </ul>
<p><b>Other Relevant Information</b></p>	
<p><b>Has the applicant entered into any prior commitments to fund this project, voluntary or otherwise? If yes, please explain.</b></p>	<p>No.</p>