Senator Gravel, Members of the Panel, Ladies and Gentlemen:

Since the Chairman has asked all witnesses appearing before this subcommittee to limit their remarks to eight minutes or less, I will brief my written statement, and ask that the entire statement be made a part of this record.

Some of the things I am going to say about the President's water policy recommendations are not going to be complimentary. That probably is not a politic thing to do, but those of us who are in the municipal water supply business sometimes must do and say things that are not popular if we are to fulfill the responsibility we have to present and future citizens, of the area we serve.

In the arid and semi-arid western part of the United States, having an adequate supply to serve the various needs of people is a basic necessity. Colorado is the only state where all rivers flow out because of the Continental Divide. Development of the facilities to provide a water supply is a major task of any municipal water agency.

The Denver Water system has been developed by the people of Denver through the years with financing provided solely through charges for water service and the bonding ability that provides. It is for this reason that I am not going to comment on the Presidential policy concerning participation of states in the financing of water project construction. Denver and most municipal water systems historically have paid their own way - and wish to continue to do so.
2.

In the Presidential message to the Congress of the United States outlining water policy on June 6, 1978, I was amazed to read that:

"Twenty-five separate federal agencies spend more than ten billion dollars per year on water resource projects and related programs."

Our 1978 budget, including all capital construction, payroll, debt retirement, and all other expenditures is sixty million dollars. Given these federal dollars, Denver could take care of its entire water system and the water needs of all of its people for 170 years. Frankly, we think we manage our dollars at the local level much more judiciously - and get more for them.

We are now attempting to look ahead and take care of the needs of people who will locate here in the future. Our Regional Council of Governments tells us that the metropolitan area of Denver should prepare for a population of 2.3 million by the year 2000. In the Presidential policy on water, the statement is made, "These water policy reforms will not preempt state or local water responsibilities." Yet, we are constantly thwarted by federal intervention with our ability to plan and build for the future. I will sight merely one example -- the Foothills Water Treatment Plant we have been attempting to build since the people of Denver approved the financing of the project on November 6, 1973. The delays have been caused because, even though the Water Department owns in fee almost all of the 600 acres necessary for the entire project, an environmental statement had to be prepared because the dam involved in the project is anchored to 30 acres of federal land. The tragedy is that the estimated cost of the project in 1973 was 70 million dollars. Inflation has now raised that estimated cost of 135 million -- all local money -- and yet we have not yet even broken ground to get started on the project which was scheduled to be on-line this summer.
Throughout the history of the Denver Water Department, we have maintained a filtration operation second to none in this country, and we are attempting to do everything possible to continue that type of operation in the future. In order to do that, we must construct additional filtration works. On the one hand, the federal government indicates its desire to have safe drinking water available to the people of this country, and I refer to the Safe Drinking Water Act of 1974. Certainly safe drinking water requires adequate treatment and filtration facilities. On the other hand, we see the federal government dabbling in wishful thinking with respect to growth control and talking in terms of limiting, through dubious means, the so-called over-sizing of treatment facilities. Such thoughts are foolhardy, for more often than not, treatment facilities when over-sized in their planning and construction turn out to be under-sized by the time construction is completed. In addition, instead of being of assistance in providing adequate treatment facilities, the federal government allows itself to become prone to joining the obstructionist, stop all progress philosophers, by imposing requirements either through Congressional, administrative, or judicial action regarding extreme environmental protection which necessarily delays and causes undue increase in the cost of construction of these facilities.

Earlier, I sighted a case, Foothills, where federal intervention has caused delays on a necessary project even though federal dollars were not involved. It becomes even more of a maze of bureaucratic red tape when federal dollars are involved. Recently, the U. S. Environmental Protection Agency for Region VIII in Denver, issued its final action on the Denver Regional Environmental Impact Statement for waste water facilities and the clean water program. In the section on water conservation, the following statement is made:
"EPA will require prior to making a grant for design of a waste water facility that the grant applicant demonstrate that:

1. The feasibility and cost-effectiveness of metering and pricing incentives (potable water supply) have been studied and steps taken to implement these measures were cost-effective.

2. Building codes have been evaluated to incorporate, where feasible, water-saving devices in plumbing systems on new construction or major remodeling and a program instituted to encourage voluntary retrofit of such devices by property owners."

Here then is an example where, through federal grants for waste water treatment, the federal government is impacting the delivery of potable water to people and adversely affecting their life styles.

The Denver Water Department has long supported water conservation. In the West, we feel that one of the greatest conservation measures is the building of reservoirs for the storage of water. So when the President talks about water conservation, it is hard for those of us who live in the West to understand why he places dams and reservoirs on his hit-list and attempts to eliminate the funding for them.

There are two other basic water conservation measures we utilize on an ongoing basis. First and foremost there must be an ongoing, effective maintenance program of the entire system and particularly the vast underground pipe network to prevent leakage. Certainly some of those federal dollars should be spent here. If such a program is not accomplished on an ongoing basis, a loss of ten percent or more of the water supply is not
unusual. We are proud of the fact that the Denver Plant is well maintained and loss by leakage is at an almost absolute minimum. We also build our reservoirs at as high an altitude as possible, not only because it's easier to bring that water into the system by gravity but also the loss by evaporation is far less at the higher altitudes.

We have also been looking at and studying another method of conserving existing water resources and that is the direct recycling of waste waters and reintroduction of that water into the potable water system. We have been in that business on an experimental basis for some ten years and have now developed a treatment train process that will accomplish this objective.

We are ready to design and build a demonstration plant to treat a million gallons of water per day and return that sewage effluent into the potable water supply and are willing to share the cost with the Federal Government.

Finally, a comment on the Presidential policy statement on environmental protection which recognizes that "Water is a basic requirement for human survival, is necessary for economic growth and prosperity and is fundamental to protecting the natural environment." Yet, the stress seems to be on directing various federal government agencies to implement Fish and Wildlife Acts, Historic Preservation Acts, Endangered Species Acts, and discouraging the planning or building of any additional structures necessary to increase water supplies for a metropolitan area. I'm sorry that there is not more stress on the needs of people. People in a city need water not only for basic human survival but to preserve their mental and physical health. Standard of living is a phrase that is bandied about very loosely. But an adequate water supply of good quality is basic to a city dweller if he is to enjoy a high standard of living. The city dwellers needs parks and
parkways and flowers and trees and golf courses and, yes, even swimming pools. Those of us working and living in a municipal area generally do so fifty weeks out of the year and only occasionally have the opportunity to head for the mountains and enjoy wilderness areas and natural streams.

It is the responsibility of a water utility to have sufficient foresight, vision and planning capability to provide the quantity of raw water necessary to supply quality potable water to its customers on demand.

We in the water utility business know our job. Our plea to you and the President is to simply this - let us do it.
SENATOR GRAVEL, MEMBERS OF THE PANEL, LADIES AND GENTLEMEN:

Since the Chairman has asked all witnesses appearing before this subcommittee to limit their remarks to eight minutes or less, I will brief my written statement, and ask that the entire written statement be made a part of this record.

Some of the things I am going to say about the President's water policy recommendations are not going to be complimentary. That probably is not a politic thing to do, but those of us who are in the municipal water supply business sometimes must do and say things that are not popular if we are to fulfill the responsibility we have to present and future citizens of the area we serve.

I will limit my remarks to policy statements concerning state, local, and federal water responsibilities; conservation; and environmental protection.

Let me preface my specific remarks with a general statement about Colorado and Denver water concerns. In the arid and semi-arid western part of the United States, having an adequate supply to serve the various needs of people is a basic necessity. Colorado is the only state where all rivers flow out because of the Continental Divide. Development of the facilities to provide a water supply is a major task of any municipal water agency. To give you a feel for our problems in providing adequate water supply, a brief description of the Denver water system might be helpful. The Denver water system today is supplying, on a consistently high quality basis, over one million people in the Denver metropolitan area. To do this requires nearly all the capacity of our present system. We have seven storage reservoirs with little more than a half million acre feet capacity. The system includes four tunnels under the Continental Divide, with the longest being the 23-mile Roberts Tunnel. Water is collected and carried through some 40 miles of buried pipes and canals and is also transported on stream channels as carriers to the Denver area. All of this is accomplished under the Constitution and laws related to water rights in the State of Colorado.

Within the Denver system, there are some 18 hundred miles of treated water mains and conduits. Our filtration plants are capable of treating over 500 million gallons of water in each 24-hour period.
This system has been developed by the people of Denver through the years with financing provided solely through charges for water service and the bonding ability that provides. It is for this reason that I am not going to comment on the Presidential policy concerning participation of states in the financing of water project construction. Denver and most municipal water systems historically have paid their own way -- and wish to continue to do so.

In the Presidential message to the Congress of the United States outlining water policy on June 6, 1978, I was amazed to read that:

"Twenty-five separate federal agencies spend more than ten billion dollars per year on water resource projects and related programs." 

Our 1978 budget, including all capital construction, payroll, debt retirement, and all other expenditures is sixty million dollars for 1978. Given these federal dollars, Denver could take care of its entire water system and the water needs of all of its people for 170 years. Frankly, we think we manage our dollars at the local level much more judiciously -- and get more for them.

We are now attempting to look ahead and take care of the needs of people who will locate here in the future. Our Regional Council of Governments tells us that the metropolitan area of Denver should prepare for a population of 2.3 million by the year of 2000. In the Presidential policy on water, the statement is made, "These water policy reforms will not preempt state or local water responsibilities." Yet, we are constantly thwarted by federal intervention with our ability to plan and build for the future. I will cite merely one example -- the Foothills Water Treatment Plant we have been attempting to build since the people of Denver approved the financing of the project on November 6, 1973. I have attached to my statement a very brief history of key dates that graphically illustrate what has happened to this project because of federal intervention, even though there is not one federal dollar for financing the project. Even this brief summary of dates runs to five full pages, and the tragedy is that we have not yet begun construction. The delays have been caused because, even though the Water Department owns in fee almost all of the 600 acres necessary for the entire project, an environmental statement had to be prepared because the dam involved in the project is anchored to 30 acres of federal land. The tragedy is that the estimated cost of the project in 1973 was 70 million dollars. Inflation has now raised that estimated cost to 135 million -- all local money -- and yet we have not yet even broken ground to get started on the project which was scheduled to be on-line this summer.

Throughout the history of the Denver Water Department, we have maintained a filtration and water treatment operation second to none in this country, and we are attempting to do everything possible to continue that type of operation in the future. In order to do that, we must construct additional filtration works. On the one hand,
the federal government indicates the high desire to have safe drinking water available to the people of this country, and I refer to the Safe Drinking Water Act of 1974. Certainly safe drinking water requires adequate treatment and filtration facilities. On the other hand, we see the federal government dabbling in wishful thinking with respect to growth control and talking in terms of limiting, through dubious means, the so-called over-sizing of treatment facilities. Such thoughts are foolhardy, for more often than not, treatment facilities when over-sized in their planning and construction turn out to be under-sized by the time construction is completed. In addition, instead of being of assistance in providing adequate treatment facilities, the federal government allows itself to become prone to joining the obstructionist, stop all progress philosophers, by imposing requirements either through Congressional, administrative, or judicial action regarding extreme environmental protection which necessarily delays and causes undue increase in the cost of construction of these facilities.

Another example is regarding future requirements for adequate storage capacity. Water for Denver comes from the mountain streams such as the South Platte River and the Colorado River. These streams fluctuate in their rate of flow from day to day, hour to hour, and month to month. The months of May, June and part of July are the time of high flow of these streams. The flows gradually decrease during the latter part of July and settle at a low base flow around October, which continues through the winter, usually into March. During April as the weather warms up, the mountain snowpack of the previous winter begins to melt and the flow of the stream rises into the peak runoff season again. This monthly fluctuation is very pronounced and has a wide range. For example, the water supply available to Denver from its Moffat Tunnel system in June averages approximately 30,000 acre feet, whereas the supply available from that system in December averages approximately 700 acre feet. The June supply is 40 times the base supply of December. Particularly during the high runoff periods of the year these streams fluctuate from hour to hour and certainly day to day. Again, as an example, the flow available to the Denver system from the Moffat Tunnel in June can be 1600 acre feet on one day, and 700 acre feet on another day in that same month, a fluctuation of 240 percent.

Obviously, the rate of flow available on the supply side of this system does not coincide with the rate of use on the demand side of this system. To be able to provide the water to the users as they need it, it is necessary to store the water in storage reservoirs as it comes from the streams in this fluctuating pattern. The water is stored in the reservoirs when the streams are high, and is released from the reservoirs to meet the needs of the water users when the flow of the natural streams are not sufficient to supply the quantities required. In addition, the water supply fluctuates greatly from year to year. During the years of high precipitation, and lots of snow fall during the winter, the runoff from the streams is high and supply to the water system is also high. When there is little snow in the mountains, and little precipitation, we have minimum flows occurring in the streams. The water supply system which Denver has in existence today could have produced 690,000 acre feet in the year 1957, a very high water supply year, but could only have produced 137,000 acre feet in the year 1954, a very low water supply year. This is a variation of 500 percent. In order to provide safe, dependable water service to a metropolitan area, the system must have adequate storage capacity to even out these day to day, hour to hour, year to year fluctuations in the water supply which I have described.
For the future metropolitan area of Denver, additional storage capacity will be a necessity, and for that storage capacity to become a reality, assistance from the Federal government will be required. That assistance, as a minimum, will involve the use of federal lands for such a reservoir, and could preferably involve development of a reservoir jointly by local and federal entities, which would be capable of serving multi-purposes such as recreation, municipal water supply, generation of electric energy, flood control, etc.

In this phase of continued development of the water system we have already seen and will see more of the anti-growth stop progress philosophers. Wise use of water -- conservation -- will and must be a part of the picture but will not and cannot eliminate the need for additional physical facilities.

A final example of the future, necessary additions to the water system entails the development of water collection systems in the mountains at elevations exceeding 9,000 feet. With respect to the development of such collection systems, we are confronted today with the efforts of these anti-everything philosophers to use the federal government as a tool to stop our efforts. This they are doing by attempting to influence the Congress to establish wilderness areas so large that they include the areas necessary for the construction and operation of collection systems. As a minimum they would establish the wilderness such that it will require the use of pumping schemes outside the wilderness boundaries, and thereby require the use of large amounts of energy each and every year and increase unnecessarily the cost of water to the metropolitan area.

Adequate quantity and good quality water supplies are an absolute essential to provide safe drinking water to a growing metropolitan area. We are inclined to feel that federal involvement appears at times to be at cross purposes and the Department is being hit with yet another obstacle which, if not controlled, will negate many of the efforts we are making to meet the future need. That obstacle is the continual increase in cost of doing business and particularly as it applies to the price of materials and construction, caused by inflation. A good place to start would be for the federal government to minimize the controls to those of necessity, thereby reduce delays and costs.

Earlier, I cited a case, Foothills, where federal intervention has caused delays on a necessary project even though federal dollars were not involved. It becomes even more of a maze of bureaucratic red tape when federal dollars are involved. Recently, the U. S. Environmental Protection Agency for Region VIII in Denver, issued its final action on the Denver Regional Environmental Impact Statement for waste water facilities and the clean water program. In the section on water conservation, the following statement is made:

"EPA will require prior to making a grant for design of a waste water facility that the grant applicant demonstrate that:

1. The feasibility and cost-effectiveness of metering and pricing incentives (potable water supply) have been studied and steps taken to implement these measures were cost-effective."
2. Building codes have been evaluated to incorporate, where feasible, water-saving devices in plumbing systems on new construction or major remodeling and a program instituted to encourage voluntary retrofit of such devices by property owners.

3. The design capacity on other features of the waste water treatment facility reflect the projected production in waste water flows.

4. Wherever the dry weather waste water base flow to be used for planning a treatment works exceeds 70 gallons per capita per day, the applicant plan and implement a water conservation program and use the reduction in waste water flow as a measure of design capacity for new treatment facilities. As a guide, a 15% reduction of waste water flow may be expected from the implementation of an in-house water conservation program."

Here then is an example where through federal grants for waste water treatment, the federal government is impacting the delivery of potable water to people and adversely affecting their life styles.

The Denver Water Department has long supported water conservation. In the West, we feel that one of the greatest conservation measures is the building of reservoirs for the storage of water for the reasons I enumerated earlier. So when the President talks about water conservation, it is hard for those of us who live in the West to understand why he places dams and reservoirs on his hit-list and attempts to eliminate the funding for them. We in Denver certainly understand the concern of our fellow citizens on the western slope when such dams and reservoirs are eliminated, even though they do not benefit us directly.

There are two other basic water conservation measures that must be utilized on an ongoing basis, and those of us in the water utility business understand this. First and foremost there must be an ongoing, effective maintenance program of the entire system and particularly the vast underground pipe network to prevent leakage. If such a program is not accomplished on an ongoing basis, a loss of ten percent or more of the water supply is not unusual. We are proud of the fact that the Denver Plant is well maintained and loss by leakage is at an almost absolute minimum. We also like to build our reservoirs at as high an altitude as possible, not only because it's easier to bring that water into the system by gravity but also the loss by evaporation is far less at the higher altitudes.

We have also been looking at and studying another basic method of conserving existing water resources and that is the direct recycling of waste waters and reintroduction of that water into the potable water system. We have been in that business on an experimental basis for some ten years and have now developed a treatment train process that will accomplish this objective.
We are ready to design and build a demonstration plant to treat a million gallons of water per day and return that sewage effluent into the potable water supply. This research is not only important to us in Denver, but to other cities throughout the United States and the world. Therefore, we have been encouraged by the Environmental Protection Agency and other federal agencies to seek federal assistance since the project will cost fifteen million dollars to build and operate for the first year. Even though we have sought such financial assistance for several years and have had Bills introduced in the Congress, we have yet to obtain any money. We are willing to share the cost, so I would hope that in the very near future the federal establishment can find seven and one half million dollars out of that ten billion per year that is being spent by the twenty-five separate federal agencies on water resource projects to join with us in building this plant.

Finally, a statement on the Presidential policy statement on environmental protection. The statement recognizes that, "Water is a basic requirement for human survival, is necessary for economic growth and prosperity and is fundamental to protecting the natural environment." Yet, the stress seems to be on directing various federal government agencies to implement Fish and Wildlife Acts, Historic Preservation Acts, Endangered Species Acts, and discouraging the planning or building of any additional structures necessary to increase water supplies for a metropolitan area. I'm sorry that there is not more stress on the needs of people. People in a city need water not only for basic human survival, but to preserve their mental and physical health. Standard of living is a phrase that is bandied about very loosely. But an adequate water supply of good quality is basic to a city dweller if he is to enjoy a high standard of living. The city dweller needs parks and parkways and flowers and trees and golf courses and, yes, even swimming pools. Those of us working and living in a municipal area generally do so fifty weeks out of the year and only occasionally have the opportunity to head for the mountains and enjoy wilderness areas and natural streams. Understand that we support the need for such designations, but, please, within reason.

It is the responsibility of a water utility to have sufficient foresight, vision and planning capability to provide the quantity of raw water necessary to supply quality potable water to its customers on demand.

Water utilities cannot afford to make water decisions on a crisis basis. It takes too long, too many years, to plan and develop a water supply system. Water service to be available in five or ten years must be started today. If this means developing an additional supply of water with additional physical structures, including dams and reservoirs, we should be allowed to get on with the job. Instead, I'm afraid, we find more and more road blocks being placed in the path of such progress. And I fear the Presidential Water Policy, while incorporating many fine philosophies and worthwhile objectives, simply fails to understand the needs of a metropolitan area, particularly one that is in the western part of the United States.

We in the water utility business know our job. Our plea to you is simply this --- let us do it!

ATTACHMENT
HISTORY OF FOOTHILLS
1973 to Present

June 27, 1973 Denver authorized expenditure of $240,000 for preparation of EIS on Foothills Project. CH2M/Hill consultants began work immediately.

July 6, 1973 Highest daily water consumption in DWD history: 506 million gallons. Treatment plant capacity at that time was 460 MGD.

July 1973 DWD was lead to believe the U.S. Forest Service would be the "lead agency" in preparing the draft and final EIS as required by the National Environmental Policy Act.

November 6, 1973 Denver voters approved issuance of municipal bonds of up to $160 million for various DWD systems improvements including $70.2 million for proposed Foothills Treatment Complex.

December 1973 First draft of environmental assessment by CH2M/Hill delivered to Forest Service.

February/March 1974 Revised copies of environmental assessment transmitted to Forest Service.

April 9, 1974 Final environmental assessment transmitted to Forest Service. There was no mention to this date by the BLM that the Forest Service was not the designated lead agency for preparation of EIS.

July 15, 1974 Original target date for completion of draft EIS by Forest Service.

July 17, 1974 Forest Service informed Denver that draft EIS would not be completed until Sept. 30, 1974. It would then be submitted to the local BLM office for review and completion in final draft form for submittal to BLM Washington office.

August 10, 1974 Dedication of Moffat Treatment Plant expansion which added 60 million gallons to DWD daily treatment capacity. Peak usage that summer was July 9: 484 million gallons.

August 1974 BLM assumed "lead agency" position in NEPA compliance.

September 1974 Forest Service completed and transmitted its draft EIS to state BLM office.
October 1, 1974 Copies of draft EIS transmitted to BLM Washington office by BLM state office. Denver was then informed that the environmental assessment it had given to the Forest Service, and which was submitted by the Forest Service to facilitate rapid development of an EIS, would not be used at all because the BLM would now act as lead agency, and thus an entirely new draft EIS was necessary.

January 1975 BLM assembled a project team to begin the preparation of the totally new EIS with a new schedule for its completion for Washington review: August 1975.

August 21, 1975 The BLM draft was forwarded to BLM Washington headquarters and later returned to the state BLM office for final revision and printing.

January 6, 1976 Printing of BLM draft EIS completed

January 9, 1976 BLM draft filed. NOTE: The President's Council on Environmental Quality (CEQ) had long since established guidelines for a time interval of 90 days between filing a draft EIS and issuance of a final EIS. Notwithstanding this guideline, Sept. 1976 was the date established for furnishing the final EIS.

February 19, 1976 Date set for public meeting for oral comments: 36 oral statements presented.

February 20, 1976 Deadline set for submittal of written comments: approximately 83 written comments were received.

March 31, 1976 After the state BLM office reviewed all comments, they notified Denver that the decision had been made as to what action would be taken re: the scope of the EIS. However, if they could take action shortly, they said the EIS would be ready to submit to CEQ about Aug. 20, 1976. Allowing 30 days decision-making time, this would have extended the date to Sept. 20, 1976.

May 3, 1976 State office BLM, after more analysis of comments, sent an "Issue Paper" to national BLM headquarters outlining three alternatives and recommending a second revision of draft EIS including a wider perspective: the sources of potential raw water which might be used in the Foothills plant.

Mid-May 1976 At a meeting with BLM, the Undersecretary of Interior requested each sub-agency to prepare a "position paper". After reviewing them, he planned to make a decision as to the direction to proceed early in June. However, even after all these "papers" were submitted, no decision was reached in June.
June 10, 1976  
Jack Horton, Asst. Secretary on the Interior for Land and Water Resources, requested an opinion of the Solicitor, Dept. of Interior, as to the legal sufficiency of the draft EIS.

July - November 1976  
Numerous consultation sessions between federal and state officials occurred, but Denver was never invited to any of the sessions. No progress was made in these five months towards either the completion of an EIS or issuance of a permit.

November 1, 1976  
Asst. Secretary Horton issued a memo directing that the scope of the permit be expanded drastically to include not just the impact of a water purification plant, but also to discuss in detail the impact of various alternative sources of water supply and storage. This pertained to facilities not included in the request for the right-of-way permit nor required for the construction of the Foothills Project.

March 1977  
Denver filed suit against government officials in federal district court for delay of the project.

Summer 1977  
First 125 MGD phase of Foothills scheduled to be completed and in service, according to 1973 plans.

Sept. 14-16, 1977  
Public Hearings held at Wyer Auditorium in Denver by the BLM, Forest Service and Corps of Engineers

December 30, 1977  
Date scheduled for submittal of final EIS to CEQ.

March 21, 1978  
Decision made by Dept. of the Interior and the Dept. of Agriculture to grant right-of-way for the Project.

April 6, 1978  
EPA officials announce that their decision will be given at a press conference Friday, April 7 on whether they will continue to oppose the Foothills Project.

April 7, 1978  
Alan Merson announced that he would hold public hearings in Dillon on April 25 and in Denver on April 27 on whether the dam should be located as proposed by Denver.

April 18, 1978  
Merson moved up his deadline for a decision to May 8. He had previously said he would make the decision by May 15. He also offered to permit Denver to construct a portion of the access road into the Foothills Complex site.
April 27, 1978  Public hearing held in Denver at the U.S. Post Office, 18th & Stout. Estimates of over 1000 people in attendance were given.

April 28, 1978  Water Department Manager, J. L. Ogilvie, challenged the USEPA authority to attach conditions to permits for Foothills. Ogilvie said the Water Board would challenge in court any conditions and stipulations not related to the Strontia Springs Dam and Reservoir by any reasonable connection.

April 30, 1978  Robert L. Tonsing, Executive Vice President of Water For Colorado, asked in a letter to Douglas Castle, USEPA administrator, that disciplinary action be taken for alleged "improprieties at the hearing on April 29. The alleged improprieties were: Tonsing accused Roger Williams, deputy regional administrator of EPA and hearing panel chairman, of altering the order of witnesses at the hearing "in such a way that it would appear that the bulk of witnesses opposed the project."

May 1, 1978  Roger Williams responded that he began getting notes from the audience, after two hours of hearings, demanding that members of the public be allowed to begin making their statements. So he alternated between public and private speakers.

May 4, 1978  Advertisements for bids for construction of Foothills were placed in the Daily Journal.

May 17, 1978  U.S. Army Corps of Engineers (COE) said that any attempt by EPA to impose mandatory water conservation measures on Denver through the Foothills Project may be rebuffed by the Corps due to questions on the legality of water conservation restrictions as suggested by EPA.

May 23, 1978  Alan Merson missed his promised deadline for the third time. He postponed self-imposed deadlines of May 8 and May 15. On May 23, he postponed again, saying he wanted to allow time for Water for Colorado, a pro-Foothills organization, to meet with Merson's boss, Douglas Castle, in Washington. Merson announced the new deadline as May 29.

May 25, 1978  Merson recommended to COE that permits not be issued for Strontia Springs dam.

May 26, 1978  U.S. Rep. Tim Wirth, D-Colo. asked COE to act as mediator, bringing together DWD and EPA-Denver regional officials to resolve the Foothills question.
Corps, EPA and DWD met in Omaha to discuss Foothills review procedures. The review included:
   a) alternatives to DWD plans for dam and reservoir
   b) water conservation needs for Denver metro area.
   c) effects of Foothills on the Western Slope.

DWD rejected objectional stipulations attached to the right-of-way grants issued by BLM and Forest Service for the use of 94 acres of federal land upon which part of Foothills is to be built.

U.S. District Judge Fred Winner ordered Denver to submit by August 21 an amended complaint, updating its 17-month old lawsuit against BLM and the Forest Service.

New legal action filed in US District court in Washington by six environmental groups claimed Foothills is not needed. The suit was filed by National Wildlife Federation, American Rivers Council, Environmental Policy Center, Colorado Open Space Council, Colorado Whitewater Association, and the Concerned Citizens of the Upper South Platte River against Interior Secretary Cecil Andrus, Secretary of the Army Clifford Alexander, EPA director Douglas Costle, and Agriculture Secretary Bob Bergland. The lawyer for the six environmental groups said the suit was not filed in Denver's Judge Winner's court because "basic Foothills decisions have been made by government officials in Washington.

Denver filed the amended complaint in U.S. Dist. Court in compliance with Judge Winner's Aug. 4 order. The amended complaint broadens and issues and names as defendants a number of prominent opponents to the project. Additionally, the Water Board is asking for $36 million in damages and a court order preventing any future federal or private interference in construction of the Foothills Project.
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