

D 2010-015

EXECUTIVE ORDER

Amending the Declaration of Disaster Emergency Due to Fourmile and Making Additional Funds Available for Water Quality Projects in Boulder and Larimer Counties

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to relevant portions of the Colorado Disaster Emergency Act of 1992, C.R.S. § 24-32-2100, *et seq.*, I, Bill Ritter, Jr., Governor of the State of Colorado, hereby issue this Executive Order reaffirming my earlier declaration of a state of disaster emergency due to Fourmile and Reservoir Road Fires and making additional funds available for water quality projects in Boulder and Larimer Counties.

I. Background and Purpose

On Monday, September 6, 2010, a wildfire (“Fourmile Fire”) broke out in Fourmile Canyon, approximately 12 miles northwest of Boulder, Colorado. On the morning of Sunday, September 12, 2010, a wildfire broke out near Flatiron Reservoir in Larimer County, Colorado (“Reservoir Road Fire”). Between these two fires over 6,800 acres have been burned and more than 170 homes and other structures have been damaged or destroyed. In response to these fires I declared a disaster emergency and made resources available to fight the fires and assist with disaster recovery.

Along with the many homes that have been destroyed or damaged, these wildfires have greatly threatened the watersheds that are a critical source for drinking water for many communities located in or near the wildfire areas, and these fires may have damaged the facilities that provide this drinking water adding to the challenges faced by communities trying to rebuild in the aftermath of the fires. Moreover, runoff from burned areas may significantly alter the quality of water entering the treatment facilities, leading to difficulties in treating the water to levels that protect the public health. Water systems within these watersheds will likely see elevated levels of total organic carbon, turbidity, iron, manganese, phosphorous, nitrates, ammonia and possibly other heavy metals. If not addressed, these effects could continue for several years. Runoff from wildfires also can significantly alter the taste and odor of drinking water as well. Erosion in burned areas can adversely affect recreational uses and aquatic life in a watershed.

As Governor, I am responsible for meeting the dangers to the state and people presented by disasters. The Colorado Disaster Emergency Act of 1992, defines a disaster as “the

occurrence or imminent threat of widespread or severe damages, injury or loss of life or property resulting from any natural cause or cause of human origin, including but not limited to . . . fire.” C.R.S. § 24-32-2103(1.5). The proximity of the Fourmile Fire and the Reservoir Road Fire to the respective communities’ drinking water systems pose an imminent danger to life and property and, therefore, constitute a disaster for the purposes of the Act.

The Water Quality Improvement Fund established in C.R.S. § 25-8-608(1.5) is a source of state funds that can and should be used to help mitigate the adverse impact that these fires could have on the quality of the drinking water in the affected communities. The Water Quality Improvement Fund has over \$900,000 in unappropriated funds. These funds are the result of the collection of civil penalties for violations of the Water Quality Control Act, C.R.S. § 25-8-101, *et seq.* Projects that are eligible to receive monies from this fund share the common purpose of improving and protecting water quality. By this Executive Order I am making additional funds available from the Water Quality Improvement Fund available to fund water quality improvement measures in Boulder and Larimer Counties.

II. Declaration and Directives

In addition to the declarations and directives contained in Executive Orders D 2010-012, D 2010-013, and D 2010-014, I declare and direct, as follows:

- A. I hereby declare that Fourmile Fire and Reservoir Road Fire continue to constitute a disaster emergency for purposes of C.R.S. § 24-32-2103.
- B. Pursuant to C.R.S. § 24-32-2106, I find that the funds in the Disaster Emergency Fund are insufficient; therefore, I order that \$900,000 be transferred from the Water Quality Improvement Fund established in C.R.S. §25-8-608(1.5) to the Disaster Emergency Fund. These funds shall be used to pay for such activities as repairing public water system infrastructure damaged or destroyed by wildfire, assisting public water systems experiencing operational difficulties due to runoff from storm events in burned watersheds and for providing funding for watershed restoration and protection projects in burned areas as may be requested by Boulder County, Larimer County, other local governments or state agencies and non-profit organizations working on behalf of government entities. The Department of Public Health and Environment is hereby authorized and directed to coordinate application for and to issue grants from this fund. Grants shall be awarded based upon demonstrated need after evaluating relevant conditions, including:
 1. The severity of need as a direct result of the wildfire event;

2. The number of persons impacted;
 3. The urgency for remedial action;
 4. The financial capacity of the entity affected and the amount of the local contribution in either cash and in-kind efforts;
 5. Approval of the design and restoration plan by the Water Quality Control Division; and
 6. Availability of funds.
- C. All funds transferred pursuant to paragraph II(B) above but not encumbered or expended one year from the date of this Executive Order shall be transferred back to the Water Quality Improvement Fund.

III. Duration

Executive Orders D 2010-012, D 2010-013, and D 2010-014 remain in full force and effect as originally promulgated. This Executive Order shall expire thirty days from its date of signature unless extended further by Executive Order, except that the funds described in paragraph II(B) above shall remain available for the described purposes for one year from the date of this Executive Order.

GIVEN under my hand and the
Executive Seal of the State of
Colorado this sixteenth day of
September, 2010.

Bill Ritter, Jr.
Governor