Appendix V - 2.405 Review Criteria

In addition to the review criteria listed at Sections 3.202, 4.202, 5.202, 6.202, 7.202, 8.202, and 9.202 all applications under these Regulations shall be evaluated against the following general criteria. Following some, but not all of the criteria listed in the above Sections and below are lists of considerations. These considerations are not criteria that the Project must satisfy; they serve solely as guidance. Where such terms as "reasonable," "feasible" and "adequate" are used in the foregoing criteria, the Development Services Director and/or the Permit Authority shall determine in each case what is or is not reasonable, feasible or adequate.

1. **The health, welfare and safety of the citizens of this County will be protected and served.**

   The Cherokee Metropolitan District (CMD) PFAS WTF and Distribution Project (Project) will protect and serve the health, welfare, and safety of El Paso County (EPC) residents by treating PFAS contaminated groundwater water supplies to achieve applicable federal and state drinking water standards. The Project will improve water quality, enhance the reliability of the CMD water system, and enable the continued use of existing groundwater sources that are constrained by PFAS contamination. The Project will support public health, maintain essential water service, and ensure compliance with current and anticipated regulatory requirements by providing a safe, dependable, and sustainable potable water supply to the CMD customers, including Schriever Space Force Base and surrounding service areas.

2. **The proposed activity is in general conformance with the El Paso County Master Plan, Water Quality Management Plan, NPDES Phase II Permit, or other duly adopted plans of El Paso County. The determination of conformance of the Project with these plans may include but is not limited to the following considerations:**

   a. ***Likelihood that the Project will/will not cause or contribute to urban sprawl or "leapfrog" development.***

   b. ***Significant changes in the amount of impervious surfaces.***

   c. ***Contiguity of development associated with the Project to existing growth centers.***

   d. ***Changes to unique land forms.***

   e. ***Changes in the amount or character of open space.***

   f. ***Changes to traffic patterns, road capacity and congestion.***

      The Project will not cause or contribute to urban sprawl, leapfrog development, or expand CMD's service area. The Project is intended to improve water quality and reliability for existing CMD customers using existing groundwater sources and infrastructure. The Project will result in a minor increase in impervious surface area associated with the PFAS WTF, distribution pipelines, and related facilities. The Project improvements are limited in scale and will not significantly alter existing land

use patterns or growth trends. The Project is located within and serves existing developed areas and is contiguous with existing infrastructure and growth centers.

Construction of the Project will not result in significant changes to unique landforms or natural features. An agricultural land area will be converted for the PFAS WTF location and associated facilities. The overall land area and character of open space in the surrounding area will remain largely unchanged. Temporary increases in traffic will occur during Project construction. The Project will not generate permanent increased daily traffic and is not expected to affect the long-term traffic patterns, roadway capacity, or congestion.

3. **The Project is financially feasible. The determination of financial feasibility of the Project may include but is not limited to the following considerations:**

   a. ***The business plan submitted by the applicant*.**

   b. ***Relevant bond issue, loan and other financing approval or certifications (ex: approved bond issue; bond counsel opinion)*.**

   The Project will be supported through existing utility revenues, including water service charges, availability fees, and tap fees. The CMD generates approximately $16.8 million annually in operating revenue with an additional $4 million generated from tap fees and other sources. The CMD annual operating and administrative expenses are approximately $11 million. The PFAS WTF is anticipated to add approximately $328,000 per year in operation and maintenance (O&M) costs. The CMD will continue to evaluate rates and charges to ensure adequate funding for operations, debt service, capital improvements, and long-term regulatory compliance as required.

   The Project will be supported through a combination of funding sources. The CMD has secured grant funding through Colorado's Emerging Contaminants in Small or Disadvantaged Communities (EC-SDC) program and plans to apply for additional funds during their January 2027 application cycle. The grant has a maximum of $30 million with a $10 million limit per application period. The CMD also intends to supplement with a State Revolving Fund (SRF) loan during the January 2027 application cycle. The rest of the project costs will be supplied by CMD's existing utility revenues and saved resources, including water service charges, availability fees, and tap fees. The CMD currently has $30 million in cash reserves and also generates approximately $16.8 million annually in operating revenue, plus an additional $4.0 million from tap fees and other sources. Annual operating and administrative expenses are approximately $11.0 million. The selected IX treatment system is expected to add approximately $328,000 per year in operation and maintenance costs. The CMD will continue to evaluate rates and charges as needed to ensure adequate funding for operations, debt service, capital improvements, and long-term regulatory compliance.

4. **The Project is not subject to significant risk from natural hazards. The determination of risk from natural hazards to the Project may include but is not limited to the following considerations:**

   a. ***Faults and fissures.***

   b. ***Unstable slopes including landslides, rock slides and avalanche areas.***

   c. ***Expansive or evaporative soils and risk of subsidence.***

   d. ***Wildfire hazard areas.***

   e. ***Floodplains.***

   The Project will not experience natural hazards other than snow, fire, and flooding. The pipelines will be buried. The PFAS WTF is located in an unforested area and will have fire hydrants on site. The Project is not within the floodplain as shown in the 100 year Floodplain Map included in Appendix F Figure 04.

   The Ute Pass Fault Zone located approximately 29 miles from Ellicott is the closest known fault to the Project. The seismic risk at the site is considered low given the distance between the Project and the fault zone.

   A geotechnical report by Kumar & Associates, Inc. of June 3, 2026 is included in Appendix D. The PFAS WTF has subgrade soils containing native silty sands and lean clays suitable for building support and long-term serviceability. The upper five (5) feet of soil are loose and require preparation including over excavation, moisture conditioning, and compaction prior to building construction. No ground water or rock was encountered near the surface.

   A geotechnical report will be prepared for the pipelines in November 2026. Pipeline construction will follow the recommendations of the geotechnical report. A geotechnical investigation for the pipeline will be finalized by the end of November.

   A wildfire mitigation plan is included in Appendix L.

5. **The Project will not have a significant adverse effect on the capability of local governments affected by the Project to provide local infrastructure and services, or exceed the capacity of service delivery systems. The determination of the effects of the Project on local government services may include but is not limited to the following considerations:**

   a. ***Current and projected capacity of roads, schools, infrastructure, drainage and/or stormwater infrastructure, housing, and other services necessary to accommodate development, and the impact of the Project upon the current and projected capacity.***

   b. ***Changes caused by the Project in the cost of providing education, transportation networks, water treatment and wastewater treatment, stormwater drainage, channel stabilization, bridges, emergency services, or other governmental services or facilities.***

c. Need for temporary roads to access the Project for construction and maintenance.

d. Change in demand for public transportation.

The PFAS WTF will improve water quality and reliability within CMD's service area and is not expected to increase demand for roads, schools, housing, public transportation, or other community services. Existing infrastructure, including CMD's water distribution system, storage facilities, and transmission infrastructure, has adequate capacity to accommodate the Project. The PFAS WTF will enhance the District's ability to utilize existing groundwater sources and provide treated water that meets applicable drinking water standards. The PFAS WTF will not induce growth beyond currently projected development within the service area. Existing drainage and stormwater facilities will continue to serve the area and on-site stormwater controls are incorporated into the PFAS WTF design as required.

The Project will not result in significant changes to the cost of providing education, transportation, wastewater treatment, emergency services, or other governmental services. The construction of the PFAS WTF and pipelines represent a capital investment in water treatment infrastructure and is intended to maintain and improve existing water service levels rather than create new service demands. Construction access will utilize existing public roadways and project access points. The addition of permanent or temporary roads are not anticipated for the Project. Temporary traffic will occur during construction. The long-term operations will generate minimal traffic and the PFAS WTF is not expected to affect roadway capacity, congestion, or demand for public transportation.

6. The Project will not have a significant adverse effect on the quality or quantity of recreational opportunities and experience. The determination of effects of the Project on recreational opportunities and experience may include but is not limited to the following considerations:

a. Changes to existing and projected visitor days.

b. Changes in quality and quantity of fisheries.

c. Changes in instream flows or reservoir levels.

d. Changes in access to recreational resources.

e. Changes to quality and quantity of hiking, biking, or horseback riding trails.

f. Changes to hunting experiences

g. Changes to open space.

h. Changes to existing conservation easements.

i. Changes to regional or neighborhood parks.

The Project will not affect visitor days, fisheries, instream flows, reservoir levels, recreational access, trails, hunting opportunities, conservation easements, or

regional and neighborhood parks. The Project utilizes existing groundwater sources and does not involve surface water diversions, reservoirs, or recreational resources. There will be no impact to recreational use, fisheries, or related environmental resources.

The Project will result in the conversion of a small existing agricultural land area to accommodate the PFAS WTF and associated infrastructure. The PFAS WTF will reduce the amount of open agricultural land within EPC. The PFAS WTF will be designed to be compatible with surrounding infrastructure and to minimize changes to the area's open views and visual character. There will be no impact to existing conservation easements, parks, or public recreational facilities.

The neighborhood park adjacent to the Ellicott Springs residential community will not be impacted by the pipeline alignment.

7. **The Project will not significantly degrade air quality. The determination of effects of the Project on air quality may include but is not limited to the following considerations:**

   a. ***Changes in visibility and microclimates.***

   b. ***Applicable air quality standards.***

   No adverse impacts on air quality are anticipated other than temporary dust issues discussed in 2.303 Item 13 and 14. The PFAS WTF construction will include strategies for dust control to minimize air quality impact. Temporary emissions from construction vehicles will result in short-term adverse impacts on air quality. Temporary impacts will be reduced through the implementation of best management practices such as minimizing vehicle running times and ensuring equipment meets EPA emissions standards. The Project includes a 750-kW standby diesel generator to provide emergency backup power during utility outages. The generator will operate only during utility outages and for routine maintenance and testing, estimated at approximately 30 minutes per month. Based on the generator's limited and intermittent operation, it is not expected to have a significant impact on air quality. There is no increase in capacity associated with the Project.

   A Construction Activity Permit and an Erosion and Stormwater Quality Control Permit will be obtained.

8. **The Project will not significantly degrade existing visual quality. The determination of visual effects of the Project may include but is not limited to the following considerations:**

   a. ***Visual changes to ground cover and vegetation, waterfalls and streams, or other natural features.***

   b. ***Interference with viewsheds and scenic vistas.***

   c. ***Changes in landscape character types of unique land formations.***

d. Compatibility of structure size and color with scenic vistas and view sheds.

e. Changes to open space.

f. Changes to existing conservation easements

g. Changes to impacts to regional or neighborhood parks.

The view scape, while not specifically designated as a scenic vista, is important. The pipeline will be installed underground and pre and post construction views will be the same.

The PFAS WTF will be located near the existing Ellicott Booster Pump Station and Tank and will not have significant viewshed impacts to nearby residences. Additionally, there are not many residents in the area as the land area is primarily utilized for agricultural purposes. The PFAS WTF building will be less than 30 feet tall and will be designed to complement the architectural style of the local residences.

The Project will not affect conservation easements, regional parks, or neighborhood parks. The Project is not expected to substantially alter the overall landscape character of the surrounding area. There will be no impacts to waterfalls, streams, unique landforms, or other significant natural features.

9. The project will not significantly degrade surface water quality. The determination of effects of the Project on surface water quality may include but is not limited to the following considerations:

a. Changes to existing water quality, including patterns of water circulation, temperature, conditions of the substrate, extent and persistence of suspended particulates and clarity, odor, color or taste of water.

b. Applicable narrative and numeric water quality standards.

c. Changes in point and nonpoint source pollution loads.

d. Increase in erosion.

e. Changes in sediment loading to waterbodies.

f. Changes in stream channel or shoreline stability.

g. Changes in stormwater runoff flows.

h. Changes in trophic status or in eutrophication rates in lakes and reservoirs.

i. Changes in the capacity or functioning of streams, lakes or reservoirs.

j. Changes to the topography, natural drainage patterns, soil morphology and productivity, soil erosion potential, and floodplains.

k. Changes to stream sedimentation, geomorphology, and channel stability.

l. Changes to lake and reservoir bank stability and sedimentation, and safety of existing reservoirs.

The Project will not affect water circulation patterns, water temperature, substrate conditions, turbidity, clarity, odor, color, or taste in surface water body because no surface waters or wetlands have been identified within or adjacent to the Project. The Project will comply with applicable water quality standards and stormwater management requirements.

Construction activities may temporarily increase erosion potential and stormwater runoff within disturbed areas. The construction impacts will be minimized through implementation of approved drainage, detention, erosion control, and stormwater quality measures in accordance with applicable permits. There will be no long-term increases in point source or nonpoint source pollution loadings. Because no streams, lakes, reservoirs, wetlands, shorelines, floodplains, or other jurisdictional waters occur within the Project area, the Project will not result in changes to sediment loading, stream channels, shoreline stability, trophic status, reservoir operations, natural drainage patterns, stream geomorphology, or lake and reservoir bank stability.

Pipeline installation will not adversely affect surface water quality from current conditions.

10. **The Project will not significantly degrade groundwater quality. The determination of effects of the Project on groundwater quality may include but is not limited to the following considerations:**

    a. ***Changes in aquifer recharge rates, groundwater levels and aquifer capacity including seepage losses through aquifer boundaries and at aquifer-stream interfaces.***

    b. ***Changes in capacity and function of wells within the impact area.***

    c. ***Changes in quality of well water within the impact area.***

    The PFAS WTF will treat water from CMD's existing groundwater wells and does not include the development of new water sources or increased groundwater withdrawals beyond planned and permitted. The Project will not change the aquifer recharge rates, groundwater levels, aquifer capacity, seepage losses, or groundwater interactions. The Project treats existing groundwater supplies rather than altering groundwater production or management practices.

    The Project is expected to improve the utility and reliability of existing groundwater wells by enabling continued use of wells affected by PFAS contamination. There will be no adverse impacts to the capacity or function of existing wells. The PFAS WTF is expected to improve the quality of water delivered to CMD customers by reducing PFAS concentrations and ensuring compliance with applicable drinking water standards. The Project is not expected to have adverse effects on groundwater quality.

11. **The Project will not significantly degrade wetlands and riparian areas, terrestrial or aquatic plant or animal life. The determination of effects of the Project on these**

areas shall include the considerations raised in the applicable federal and/or state Permits.

According to the Federal Emergency Management Agency (FEMA) floodplain shapefiles obtained in December 2023, the project is located within Federal Emergency Management Agency (FEMA) Zone X defined as areas outside the 100-year floodplain. The floodplain map is included in Appendix F Figure 04. State and federal permits are not required.

ERO Resources Corporation conducted a site visit on April 8, 2026 for the WTF to asses the natural conditions of the project area. The Wildlife Report is included in Appendix K. The Wildlife Report for the Pipeline will be available in October 2026.

The Project is characterized predominantly by shortgrass prairie that is largely undisturbed. The vegetative structure of the shortgrass prairie is dominated by native graminoid species including blue grama (*Bouteloua gracilis*) and sand dropseed (*Sporobolus cryptandrus*). Other notably prevalent species include prickly pear (*Opuntia sp.*), needle-and-thread (*Hesperostipa comata*), and greenthread (*Thelesperma sp.*). The disturbed right-of-way in the southern portion of the Project is dominated by smooth brome (Bromus inermis) and western wheatgrass (*Pascopyrum smithii*).

There are five (5) threatened or endangered (T&E) species that potentially occur within the Project as shown in Table 2.

Table 2. Threatened and Endangered (T&E) Species Possible in the Project

Agency	Species	Agency Status	Suitable Habitat	Habitat within Project Area?
Federal	Eastern black rail	T	Dense, heavily vegetated wetlands greater than three (3) acres with moist soils or shallow water and access to adjacent uplands	No
Federal	Piping plover	T	Sandy lakeshore beaches and river sandbars	No
Federal	Monarch butterfly	PT	Dependent on milkweeds (Asclepiadoideae) as host plants and forage on blooming flowers; a summer resident	No
Federal	Suckley's cuckoo bumble bee	PE	Various habitats including prairies, grasslands, meadows, and woodlands between 6,000 and 10,500 feet in elevation where host species are present	No

Agency	Species	Agency Status	Suitable Habitat	Habitat within Project Area?
Federal	Ute ladies'-tresses orchid (ULTO)	T	Moist to wet alluvial meadows, floodplains of perennial streams, and around springs and lakes below 7,000 feet in elevation	No
State	Black-tailed prairie dog (prairie dog)	SSC	Rangeland; shortgrass prairie; dry, flat, sparsely vegetated grasslands; prefer fineor medium-textured soils	Yes
State	Mountain plover	SSC	Open, flat tablelands and short, intensively grazed grasslands	No
State	Western burrowing owl (burrowing owl)	ST	Open fields, plains, and grassland areas with prairie dogs	Yes

The Project does not contain designated critical habitats for the species and the habitats will not be affected by the Project.

Prairie dogs and western borrowing owls may be affected by the Project. The construction schedule will be adjusted to mitigate effects on T&E species. Appropriate relocation, removal, or control measures will be completed if prairie dog colonies are identified in accordance with applicable regulations before earthwork or construction activities begin. Burrowing owl surveys will be conducted prior to construction if construction occurs between March 15 and October 3. Construction activities will be paused until the owls have migrated from the site if burrowing owls are present, which will be verified through monitoring. If prairie dog colonies are identified, appropriate relocation, removal, or control measures will be completed in accordance with applicable regulations before earthwork or construction activities begin.

12. The Project will not significantly deteriorate soils and geologic conditions. The determination of effects of the Project on soils and geologic conditions may include but is not limited to the following considerations:

a. Loss of topsoil due to wind or water forces

b. Changes in soil erodibility

c. Physical or chemical soil deterioration

d. Terrain deformation/mass wasting/subsidence

e. Compacting, sealing and crusting

f. Waterlogging

g. Soil morphology and productivity

The Project will not deteriorate soils or geologic conditions. Construction activities will require localized grading, excavation, and removal of topsoil within the PFAS WTF footprint and pipeline corridors. Disturbed areas will be stabilized and revegetated, as required. Temporary increases in erosion may occur during construction. Erosion and sediment control measures will be implemented to minimize loss of topsoil from wind and water and to limit changes in soil erodibility.

The Project will not result in physical or chemical deterioration of soils, terrain deformation, mass wasting, subsidence, waterlogging, or adverse changes to soil morphology and productivity. Minor soil compaction, sealing, and crusting will occur within the developed portions of the Project. The soil impacts will be limited to the Project footprint and will not affect surrounding properties or geologic conditions. The Project is expected to have minimal and localized impacts on soils and geologic resources.

13. The Project will not cause a nuisance. The determination of nuisance effects of the Project may include but is not limited to the following considerations: increase in odors, dust, fumes, glare, heat, noise, vibration or artificial light.

Typical noise and dust will be generated during construction. The contractor shall be required to perform dust abatement as required to limit the dust generation. Noise levels will be typical of heavy equipment. The contractor working hours will be limit noise impact to daytime hours.

The pipeline will not produce noise, glare, dust, fumes, vibration or odors during operation. No significant noise is expected at the PFAS WTF as equipment will be located within the building and installed in an area recessed below grade.

14. The Project will not result in unreasonable risk of releases of hazardous materials. The determination of the risk of release of hazardous materials caused by Project may include but is not limited to the following considerations:

a. Plans for compliance with federal and state handling, storage, disposal, and transportation requirements.

b. Use of waste minimization techniques.

c. Adequacy of spill prevention and response plans.

The Project will comply with applicable federal, state, and local requirements for the handling, storage, transportation, and disposal of chemicals and other regulated materials. No hazardous, toxic, or explosive materials will be generated by routine operation of the Project. Chlorine used for disinfection will be stored with secondary containment in accordance with Colorado Department of Public Health and Environment (CDPHE) Water Quality Control Division (WQCD) requirements. Petroleum products, fuels, lubricants, and other chemicals will be stored in

designated areas with appropriate containment measures to prevent releases to soils, stormwater facilities, or waters of the state.

The Project waste generation will be minimal. Construction materials will be managed to minimize waste and wastes generated will be properly collected, handled, and disposed of in accordance with applicable regulations. Storage and staging areas will be located at designated locations and operated in accordance with the Project's stormwater management and erosion control requirements.

Spill prevention and response measures will be implemented and operated to reduce the potential for accidental releases. Bulk storage structures and chemical storage areas will include appropriate containment and protection measures, and contractors will be responsible for maintaining spill response materials and following established spill response procedures. The spill and response measures will provide protection of public health, safety, and environmental resources.

15. Urban development, population densities, and site layout and design of storm water and sanitation systems shall be accomplished in a manner that will prevent the pollution of aquifer recharge areas. The determination of potential for pollution of the aquifer recharge areas by the Project may include but is not limited to the following considerations:

a. Proximity of urban development and population densities to aquifer recharge areas.

b. Proximity of stormwater and sanitation systems to aquifer recharge areas.

c. Changes in water quality in the aquifer recharge areas.

The Project is intended to improve water quality within CMD's existing service area and will not induce new urban development or increase population densities within aquifer recharge areas. The Project consists of treatment and conveyance infrastructure associated with CMD's existing groundwater supply system and is not expected to alter land use patterns or create new sources of groundwater contamination.

Stormwater generated by the Project will be managed through drainage, detention, and water quality control measures designed to protect groundwater resources. No wastewater treatment or sanitation facilities are proposed that will adversely affect aquifer recharge areas. Construction and operation will comply with applicable stormwater, erosion control, and environmental regulations to prevent releases of pollutants to soils or groundwater.

The Project is expected to improve the quality of water delivered to customers by removing PFAS from existing groundwater supplies. The Project does not increase groundwater withdrawals or introduce new pollutant sources and will result in no adverse changes to water quality within aquifer recharge areas. The Project is not expected to negatively affect aquifer recharge areas or groundwater resources.

The pipeline alignment will temporality disturb the Arkansas River Alluvial Aquifer.

16. **The Project shall be reasonably necessary to meet projected community development and population demands in the areas to be served by the Project, or to comply with regulatory or technological requirements. The determination of whether the Project is reasonably necessary may include but is not limited to the following considerations:**

    a. ***Relationship to reasonable growth projections and local land use plans.***

    b. ***Relationship to other providers' service areas.***

    c. ***Whether the Project is not in compliance with regulatory or technological requirements or will not be in compliance in the near future.***

    The PFAS WTF is necessary to ensure that CMD can provide a safe, reliable, and compliant drinking water supply. The Project allows CMD to utilize the existing groundwater supplies and associated water rights by treating water affected by PFAS to achieve applicable state and federal drinking water standards.

    The Project is consistent with anticipated community development and population growth within CMD's service area. The Project improves the reliability and resiliency of the water system and provides sufficient treatment capacity to serve existing customers and projected growth within CMD’s existing service area.

    The Project does not create overlapping service areas or conflict with other water providers. Nearby water providers do not possess available treatment capacity; do not have infrastructure connections capable of serving CMD’s customers; and/or are located at distances that would make consolidation or regional treatment economically impractical. The treatment of CMD’s existing groundwater supplies through the PFAS WTF is the feasible solution.

    The Project is necessary to comply with existing and emerging regulatory requirements related to PFAS in drinking water. CMD's ability to utilize groundwater supplies will be impacted by PFAS contamination without implementation of the Project. CMD’s available water supplies and limits to the beneficial use of existing water rights will occur. The PFAS WTF will provide the treatment technology required to remove PFAS and maintain compliance with applicable drinking water regulations. The PFAS WTF allows the CMD groundwater sources to continue to provide potable water while ensuring a reliable water supply for existing and future customers.

    The Project is necessary to meet regulatory requirements, support projected demand within CMD's service area, and maintain a safe and reliable drinking water supply.