



NORTH FRONT RANGE WATER QUALITY PLANNING ASSOCIATION
257 Johnstown Center Dr.; Unit 206
Johnstown, CO 80534
970-587-8872 – <http://www.nfrwqpa.org>

EXECUTIVE COMMITTEE AGENDA

March 4, 2021 8:00 AM

Remote Meeting Only

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

[+1 720-739-6745,838481751#](tel:+17207396745838481751#) United States, Denver

Phone Conference ID: 838 481 751#

Notice is given to the North Front Range Water Quality Planning Association (NFRWQPA) members and the general public. The Association will hold its Executive Committee meeting, which is open to the public, at the date posted above at the NFRWQPA office at 257 Johnstown Center Dr., Unit 207 Johnstown, CO 80534.

1. **CALL MEETING TO ORDER.**

2. **DETERMINATION OF A QUORUM.**

Thomas Acampora -Chair, Jason Graham -Vice Chair, Rob Fleck-Treasure, Jeremy Woolf, Chris Bieker, Brian Zick, & Marco Carani.

3. **APPROVAL OF AGENDA.**

4. **DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST.**

5. **PUBLIC COMMENTS.**

6. **APPROVAL OF PAST MINUTES.** - Attachment #1 (pages 3-7).

For review and consideration are January 7, 2021, Executive Committee meeting minutes.

7. **ACCOUNTS RECEIVABLES AND PAYABLES REVIEW.** - Attachment #2 (pages 8-9).

For review and consideration are the accounts receivables and payables for January 2021.

8. **DISCUSSION ITEM.** 2022 Association Dues.

The Association has engaged with legal counsel to ensure the proposed 2022 Association Dues model does not jeopardize our 501(C)1 status as an organization. From the February 25, 2021 Association meeting, determine membership dues for industries.

9. **DISCUSSION ITEM.** 208 Areawide Water Quality Management Plan.

The Association is starting to have meetings with the Division concerning feedback, comments, and concerns for our 2020 DRAFT 208 Areawide Water Quality Management Plan.

10. **DISCUSSION ITEM.** NFRWQPA Role in the Town of Johnstown.

What is the Association's role in allowing or preventing a member from being in the situation that the City of Johnstown is with the Division? How many Notice of Violations or Cease and Desist Orders have to be issued before the Association steps in recommending upgrades via the 208 Areawide Water Quality Management Plan to protect water quality?

11. DISCUSSION ITEM. 208 Planning meeting with the Division overview.

Discuss among the Executive Committee the 208 Planning meeting with the Division.

12. DISCUSSION ITEM. Town of Severance 208 Plan Amendment -Appendix #3 (pages 10-13).

The Town of Severance is requesting to allow certain portions of sanitary sewer infrastructure to be installed before the Town of Severance 208 wastewater utility service area 208 boundary amendment is approved by the Association. However, the construction of infrastructure site location is within Windsor's wastewater utility service area and not Severance's. Per Association policies, a 208 Plan amendment solely can not be considered without a full Utility Plan update since Severance's Utility Plan is more than ten years old. Severance's rationale for this is as follows:

- a. The development will need to construct the John Law Floodplain channel and complete necessary overlot grading as required by the FEMA CLOMR and LOMR processes. This work needs to happen before most of the development. The future sanitary infrastructure crosses these drainage facilities, and it would be beneficial to get it installed with the grading effort. The Phase III development that contributes wastewater will not be permitted until after NFRWQPA approves boundary amendment. This could be accomplished by language in a Subdivision Improvements Agreement (SIA) between the Town of Severance and the developer.

13. OTHER BUSINESS.

14. ADJOURN.

Attachment #1



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Johnstown, CO 80534
970-587-8872 – <http://www.nfrwqpa.org>

EXECUTIVE COMMITTEE MINUTES

January 7, 2021 8:00 AM

Remote Meeting Only

1. **CALL MEETING TO ORDER.**

The meeting was called to order at 8:00 AM by Mr. Thomas.

2. **DETERMINATION OF A QUORUM.**

Thomas Acampora-Chair, Jason Graham-Vice-Chair, Rob Fleck-Treasure, Chris Bieker, Brian Zick, & Jeremy Woolf participated. Jason Graham-Vice-Chair did not join until 8:36 AM. A quorum was announced.

3. **APPROVAL OF AGENDA.**

Mr. Acampora moved to approve the agenda seconded by Mr. Zick. – motion carried unanimously.

4. **DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST.**

No conflicts of interest were disclosed during the meeting.

5. **PUBLIC COMMENTS.**

No members of the public were present, and there were no public comments.

6. **APPROVAL OF PAST MINUTES.**

Meeting minutes from December 10, 2020, were presented for review and consideration. Mr. Acampora moved to approve the minutes seconded by Mr. Zick. – motion carried unanimously.

7. **ACCOUNTS RECEIVABLES AND PAYABLES REVIEW.**

The accounts receivables and payables for December 2020 were presented and reviewed. Mr. Acampora moved to approve the reviewed accounts receivables and payables for December 2020, seconded by Mr. Bieker. – motion carried unanimously.

8. **DISCUSSION ITEM.** Association Dues Future Contribution Levels.

During the December 10, 2020, Executive Committee meeting, the committee discussed the various options for association dues without determining a direction. For the executive committee to review and consider, Mr. Thomas, NFRWQPA Manager, presented Association dues revenue net loss or gains for various dues models over 2015-2020. The manager recommended using a Tiered Dues Model and assess review fees to *nonmembers* only. Using a Tiered Dues Model, the Association would have a steady revenue stream from dues projected at \$159,375.00. 2015 through 2020, nonmembers would have paid \$41,355.00 at an average of \$8,271.00 per year, bringing the annual average revenue to \$167,646.00 for that period. Per single-family equivalent (SFE) (sewer customer), this model ranges from \$0.02-0.17 without Fox Acres (with Fox Acres-\$0.02-0.95). A tiered dues model accomplishes the goal to make association dues more equitable for the entire membership while paying for each member's fair share of the regions' watershed assimilative load capacity. Understanding agencies less than one (1) MGD pay less for dues given they are exempt from many of the regulations in which the Association may advocate. A tiered dues model also keeps pace with POTW capacity increases over time. The Executive Committee agreed the assessment of a facility's MGD should be design capacity. The Executive Committee also suggested the following Fee and Dues Policies to be included with the Association Fee Schedule.

Dues & Fee Policies (Effective January 1, 2022)

1. Review fees are non-refundable.
2. Review Fees will be assessed for nonmembers and members with less than three (3) years of membership.
3. Once Utility Plan fees are paid, associated, or subsequent Site Application(s) and/or 208 Plan Amendment(s) fees are waived if applied for within one (1) year and documented with the said Utility Plan (Approved Date).
4. Review fees may be reapplied and required for multiple reviews of the same subject or project at the Association's discretion.
5. Members with representatives that serve on an Association committee may receive credit for reduced membership dues at a rate of 20% per year up to five years totaling 100%, receiving one (1) year of waived dues for five years of service on the sixth year. The committee service time-period must be served before receiving the credit at the member agency's request. Credit requests can not be in consecutive years. Members may begin earning Association committee credit on January 1, 2022.

The Executive Committee agreed to present a Tiered Dues Model assessing review fees to nonmembers, including Association Dues and Fee Policies to the membership for approval during the June 24, 2021, annual (2022) budget meeting. Up to that time, the Executive Committee instructed Mr. Thomas, NFRWQPA Manager, to inform the membership of the intent to modify the current dues structure utilizing public notice, email, letters, and association meetings.

9. OTHER BUSINESS.

A. COVID-19 Vaccine for POTW personell.

The Executive Committee members discussed their knowledge of when essential wastewater workers may receive the COVID-19 vaccine. The discussion also included the complicated issues for each agency concerning internal policies of the vaccine. Following up with the state, the Division will send an email to water and wastewater systems through their [COVID-19 Mailchimp distribution list](#). The Division also plans to update [its website](#) when more information is available.

10. ADJOURN.

Appendix A
NFRWQPA 2022 Fee Schedule and Policies

NFRWQPA Fee Schedule (Effective January 1, 2022)					
Annual Membership Dues					
Treatment Facility			Collection System only		
Design Capacity (mgd)	Dues		Population	Dues	
<1	\$1,000		0-to-10,000	\$1,000	
1.0-to-9.99	\$3,150		10,001-to-25,000	\$3,150	
>10.0	\$14,500		>25,000	\$14,500	
Counties			Associates		
\$7,500			\$1,275		
Review Fees for Nonmembers					
Site Applications			Utility Plans		
	New (22.6)	Increasing or Decreasing Capacity (22.7)		New	Update
Wastewater treatment plants, less than 999,999 gallons per day:	\$3,115	\$2,492	Wastewater treatment plants, less than 999,999 gallons per day:	\$3,985	\$3,180
Wastewater treatment plants from 1,000,000 to 9,999,999:	\$6,231	\$4,984	Wastewater treatment plants from 1,000,000 to 9,999,999:	\$5,958	\$4,750
Wastewater treatment plants, 10,000,000 gallons per day or more:	\$12,461	\$9,969	Wastewater treatment plants, 10,000,000 gallons per day or more:	\$7,931	\$6,361
Interceptors (Eligible for Certification) (22.8):	\$779		On-site wastewater treatment systems:	\$1,830	\$1,207
Lift Stations & Interceptors (22.9):	\$1,246		Population & Loading projection updates	\$1,257	
Amendments to Existing Site Applications (22.10):	\$779		Wastewater Utility Service Area (WUSA) updates	\$1,257	
Demonstration Projects (22.11):	\$0				
In-kind Replacement Projects (22.12):	\$0				
Areawide Water Quality Management Plan Amendment					
New Management or Operation Agency:			\$2,992		
New Wastewater Treatment Plant:			\$1,992		
New Lift Station or Interceptor:			\$778		
Increase or Decrease in Treatment Plant Capacity:			\$389		
Wastewater Utility Service Area (WUSA) Amendment:			\$628		
Update Population and Loading Projections:			\$628		

Dues & Fee Policies (Effective January 1, 2022)

1. Dues and Rreview fees are non-refundable.
2. Review Fees will be assessed for nonmembers, and members with less than three (3) years of membership.
3. Once Utility Plan fees are paid, associated, or subsequent Site Application(s) and/or 208 Plan Amendment(s) fees are waived if applied for within one (1) year and documented with the said Utility Plan (Approved Date).
4. Review fees may be reapplied and required for multiple reviews of the same subject or project at the Association's discretion.
5. Members with representatives that serve on an Association committee may receive credit for reduced membership dues at a rate of 20% per year up to five years totaling 100%, receiving one (1) year of waived dues for five years of service on the sixth year. The committee service time-period must be served before receiving the credit at the member agency's request. Credit requests can not be in consecutive years. Members may begin earning Association committee credit on January 1, 2022.

Attachment #2

Attachment #3

Severance's 208 Plan Wastewater Utility Service Area Amendment

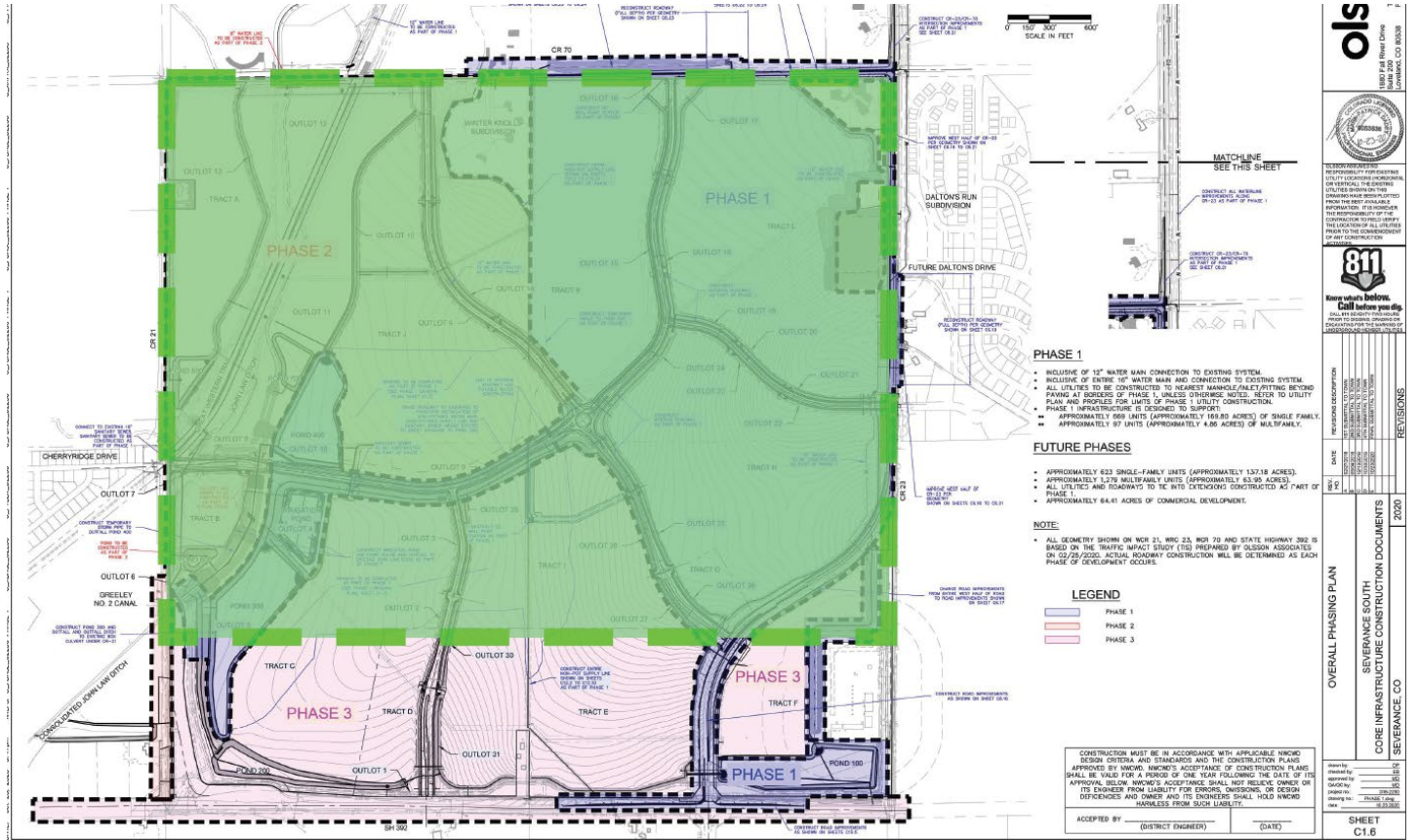


Figure 1 Proposed Development.

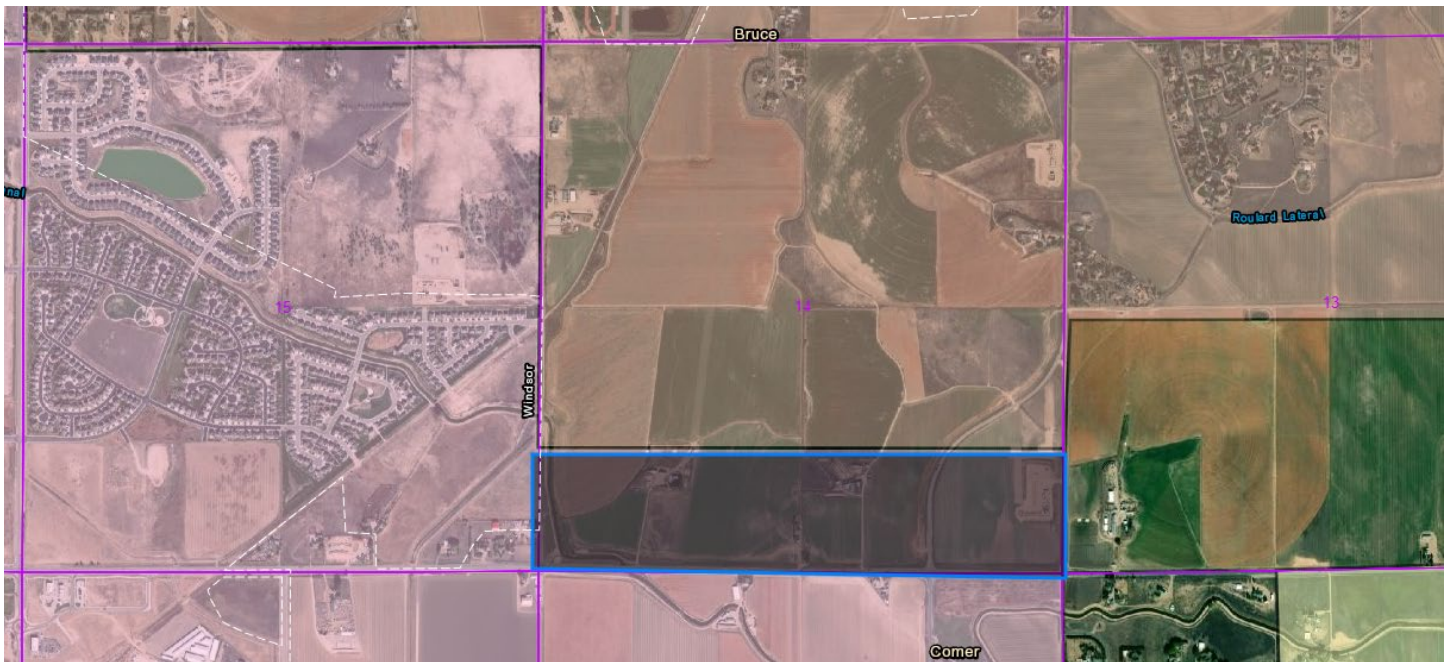


Figure 2 NFRWQPA Approved 208 Boundary.

NFRWQPA References: <https://nfrwqpa.colorado.gov/home/association-authority>

NFRWQPA must evaluate the applications for consistency with relevant elements of the Association’s 208 AWQMP, like service areas, and the applicant’s approved Utility Plan (Policy #98-2). If the proposal is not consistent with the 208 AWQMP or stated in the plan or the Utility Plan, the applicant must amend the applicable planning document to allow for the contemplated wastewater facilities (5 C.C.R. § 1002-22.4(2)(e) and 22.6(2); see also Policy #98-2).

NFRWQPA’s 208 AWQMP requires service areas to be consistent with the 208 AWQMP. The document states that “any significant modification of the service area boundaries of an existing Operations Agency or any formation of a new Operations Agency requires an amendment of the Regional Plan.” Any proposed service area boundary modification, facility capacity increase or decrease, or unplanned Site Application project requires a 208 AWQMP amendment. Any amendment requires a public notice period and NFRWQPA to hold a public hearing on the proposed amendment (C.R.S. § 25-8-105(1)(b); Policy #98-2).

Regulation 22 references

“CONSTRUCTION” means entering into a contract for the erection or physical placement of materials, equipment, piping, earthwork, or buildings which are to be part of a domestic wastewater treatment works. Should an entity elect to build the improvements with in-house work forces, instead of contracted work forces, then construction shall be considered to begin when the entity initiates any action towards the erection or physical placement of materials, equipment, piping, earthwork, or buildings which are to be part of a domestic wastewater treatment works. When an entity enters into a contract for a non-traditional construction delivery approach, such as but not limited to, design-build or construction manager at risk, the portion of the contract covering preparation of the site application and/or design, including obtaining Division review and decision of the site location and design applications, is not “construction” and initiation of such activities by the entity is in conformance with this regulation.

Demonstration projects require site location approval prior to commencement of construction, operation, and testing.

All site location approvals become effective on the date of approval and will expire if construction has not started on the date specified by the Division in its approval letter or by the Commission, if the matter is appealed. Unless otherwise specified by the Division, the expiration date will be eighteen months from the date of approval. In setting

the expiration date, the Division will consider the implementation plan and schedule (including design and bidding timing) provided with the application and any recommendation for phasing as contained in the water quality management plan. In the event of an appeal of the Division's action, the period during which construction is required to begin will be stayed pending the outcome of the appeal before the Commission. If the Commission ruling upholds the Division's action, then the date of their ruling shall commence the approval period. Any project not commencing construction on or before the date of expiration must reapply or request a time extension. If there are no significant changes from the original application, an extension request can be accomplished by a letter request from the applicant. Once construction is initiated, construction shall proceed to completion as expeditiously as possible. In addition to approval of the site application or amendment, the applicant must obtain approval of the design of the treatment works from the Division prior to beginning construction.

Notwithstanding the definition of domestic wastewater treatment works (treatment works) at subsection 22.2(12) of this regulation, once an owner has received site location approval, the owner may initiate work in preparation for construction, (e.g., site clearing, site dewatering and access roads) as long as such work is completed by the owner's own forces or is completed under a contract that does not include any elements of the construction of the treatment works including, but not limited to site excavation, construction of pipe galleries, and procurement or installation of equipment. Facilities generating reclaimed domestic wastewater are domestic wastewater treatment works and are required to complete the design review process. The PDR and the final design documents must be stamped and signed by the applicant's professional engineer, registered to practice in the State of Colorado.

The proposed project cannot move forward into the construction stage without site location approval by the Division, approval of the PDR, and Division acceptance of the self-certification request letter or written approval by the Division when final plans and specifications are required by the Division in lieu of a self-certification by the applicant and engineer.