



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

## ASSOCIATION MEETING AGENDA

October 28, 2021 @ 2:00 PM

Remote Meeting Only

### Microsoft Teams meeting

[Click here to join the meeting](#)

### Or call in (audio only)

+1 720-739-6745 United States, Denver

Phone Conference ID: 285 807 660#

*Notice is given to the North Front Range Water Quality Planning Association (NFRWQPA) members and the general public that the Association will hold its regular association meeting, which is open to the public.*

1. **CALL MEETING TO ORDER.**
2. **DETERMINATION OF A QUORUM FROM MEMBERSHIP.** – Attachment #1 (page3).
3. **APPROVAL OF AGENDA.**
4. **DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST.**
5. **PUBLIC COMMENTS.**
6. **APPROVAL OF PAST MINUTES.** - Attachment #2 (page 4-7).  
For review and consideration are the September 23, 2021 meeting minutes.
7. **FINANCIAL REPORTS:** – Attachment #3 (page 8-10).  
For review and consideration is the September 2021 financial statement.
8. **DISCUSSION ITEM:** Stream Segment Reclassification.  
The stream segment which the City of Longmont WWTF discharges has been reclassified to include water supply use.
9. **DECISION ITEM:** Code of Ethics and Values – Attachment #4 (page 11-13).  
Membership may review and consider the proposed Code of Ethics and Values to be adopted in the next 208 Areawide Water Quality Management Plan update (2022). The Code of Ethics adopted will be posted online.
10. **DECISION ITEM:** Designated Management and Operating Agencies Responsibilities– Attachment #5 (page 14-20).  
Membership may review and consider the proposed Designated Management and Operation Agency Responsibilities to be adopted in the next 208 Areawide Water Quality Management Plan update. The Designated Management and Operation Agency Responsibilities will be posted online.

**11. DECISION ITEM:** Upper Thompson Sanitation District Utility Plan Amendment & 208 Plan Amendment.

Upper Thompson Sanitation District recently completed an Amendment to their Utility Plan approved June 26, 2020. The amendment incorporates a copy of the preliminary effluent limits (PELs) for the new wastewater treatment facility. In addition to selecting a final treatment alternative for the new wastewater facility to achieve water quality-based limits within the PELs. The 208 Plan Amendment public notice period regarding the intent to build a new treatment facility was August 12, 2021, to October 11, 2021, and posted on the Association website on August 12, 2021. The Utility Plan Amendment and associated documents may be viewed on the Association's website here: <https://nfrwqpa.colorado.gov/utility-plan-guidance>. The Association received no public comments.

**12. OTHER BUSINESS:**

- a) Workgroup Updates; Can be accessed here:  
[https://drive.google.com/drive/u/1/folders/1mAStJ7L24LgM3\\_Gu64zh4Q6FbxknNjrt](https://drive.google.com/drive/u/1/folders/1mAStJ7L24LgM3_Gu64zh4Q6FbxknNjrt)

**13. ADJOURN**

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**Designated Management and Operation Agency Members**

1	<b>Ault</b>	Voting	Grant Ruff	Dustin Preston
2	<b>Berthoud</b>	Voting	Chris Kirk	Wayne Ramey
3	<b>Boxelder Sanitation District</b>	Voting	Brian Zick	David Lewis
4	<b>Brighton</b>	Voting	Kim Schoen	
5	<b>Broomfield</b>	Voting	Ken Rutt	Dennis Rodriguez
6	<b>Eaton</b>	Voting	Gary Carsten	Jeff Schreier
7	<b>Erie</b>	Voting	Jon Coyle	Todd Fessenden
8	<b>Estes Park Sanitation District</b>	Voting	James Duell	
9	<b>Evans</b>	Voting	Randy Ready	Todd Hepworth
10	<b>Fox Acres</b>	Voting	Richard Hopp	Ted Carter
11	<b>Ft. Collins</b>	Voting	Jason Graham	Bonnie Pierce
12	<b>Ft. Lupton</b>	Voting	Jon Mays	Chris Cross
13	<b>Galeton Water &amp; Sanitation District</b>	Voting	William Warren	
14	<b>Greeley</b>	Voting	Jeremy Woolf	Adam Prior
15	<b>Hudson</b>	Voting	Guy Patterson	Hunter Fobare
16	<b>Johnstown</b>	Voting	Ellen Hilbig	Matt LeCerf
17	<b>Kersey</b>	Voting	Christian Morgan	
18	<b>Larimer County</b>	Voting	Chris Manley	Keila Flores
19	<b>LaSalle</b>	Voting	Barry Schaeffer	
20	<b>Lochbuie</b>	Voting	Steve Stamey	
21	<b>Longmont</b>	Voting	Kathryne Marko	Dale Rademacher
22	<b>Loveland</b>	Voting	Joe Creaghe	Brandon Cayou
23	<b>Mead</b>	Voting	Hellen Migchelbrink	Erika Rasmussen
24	<b>Metro Water Recovery</b>	Voting	Kim Cowan	Katie Koplitz
25	<b>Milliken</b>	Voting	Don Stonebrink	Brad Simons
26	<b>Northglenn</b>	Voting	Manuel Freye	Brain Malavsky
27	<b>Pierce</b>	Voting	Pat Larson	
28	<b>Platteville</b>	Voting	David Brand	
29	<b>Severance</b>	Voting	Nicholas Wharton	Mike Ketterling
30	<b>South Ft. Collins San. Dist.</b>	Voting	Chris Pletcher	Eric Bailey
31	<b>St. Vrain San. District</b>	Voting	Rob Fleck	Dave Cross
32	<b>Timnath</b>	Voting	Don Taranto	
33	<b>Upper Thompson San. Dist.</b>	Voting	Chris Bieker	Matt Allen
34	<b>Weld County</b>	Voting	Skip Holland	Katie Sall
35	<b>Wellington</b>	Voting	Bob Gowing	Mike Flores
36	<b>Windsor</b>	Voting	Dennis Markham	

**Associates and Industries**

37	<b>NCWCD</b>	Voting	Curtis Hartenstine	Ester Vincent
38	<b>Carestream</b>	Voting	John Dinges	

38 Representative Votes / 9 Representatives required for Quorum (25%)

rev.7-14-2021

Attachment #2



## ASSOCIATION MEETING MINUTES

September 23, 2021; 2:00 PM

Remote Meeting

1. **CALL MEETING TO ORDER.**

Mr. Graham, Association Chair, called the meeting to order at 2:00 PM.

2. **DETERMINATION OF A QUORUM FROM MEMBERSHIP.**

Attendance:

**NFRWQPA** – Mr. Thomas, Manager – Absent

**Executive Committee Officers** –

Chair – Jason Graham – Ft. Collins

Vice-Chair – Brian Zick – Boxelder S.D.

Officer – Chris Bieker – Upper Thomspon S.D.

Officer – Jermy Woolf – Greeley

Officer – Todd Hepworth – Evans

**Executive Committee Officers Absent** –

Treasurer – Rob Fleck – St. Vrain S.D.

Officer – Vacant

**Membership** –

Carlos Medina - Loveland

Dustin Preston – Ault

John Dinges - Carestream

Jon Mays – Fort Lupton

Jori Nelson – Metro Water Recovery

Katie Koplitz – Metro Water Recovery

Katie Sall – WCDPHE

Keith Knoll - Berthoud

Kimberly Cowan – Metro Water Recovery

Mary Paterniti – Longmont

Matt Allen – Upper Thomspon S.D.

Robby Porsch – Evans

**Public** –

Christa Trenle – CDPHE

Greg Weeks – IMEG

Kenan Dieker – CDPHE

Ryan Vevany - IMEG

Taylor Goertz - IMEG

– Mr. Graham announced a quorum.

3. **APPROVAL OF AGENDA.**

Mr. Woolf made a motion to approve the agenda, seconded by Mr. Hepworth - Motion carried unanimously.

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

Membership did not disclose any potential conflicts of interest.

5. **PUBLIC COMMENTS.**

No members of the public stated any public comments.

6. **APPROVAL OF PAST MINUTES.**

Mr. Bieker moved to approve the meeting minutes from August 28, 2021, seconded by Mr. Woolf. – Motion carried unanimously.

7. **FINANCIAL REPORTS.**

Mr. Hepworth moved to approve the August 2021 financial statement, seconded by Mr. Zick. – Motion carried unanimously.

8. **DECISION ITEM:** Executive Committee Officer Vacancies.  
Membership open discussion to accept nominations to fulfill the remaining Executive Committee Officer vacancy. Mr. Graham has reached out to the Larimer County Commissioners to gauge their interest. No official nominations were received to fulfill the remaining Executive Committee Officer seat. Mr. Medina moved to place the agenda topic on hold, Mr. Woolf seconded. – Motion carried unanimously.
9. **DECISION ITEM:** Potential for Additional Funds in 604(b) Contract for Watershed Planning  
The Division has reached out to the Association to offer funds (\$80k - \$100k over three years) to write a nonpoint watershed plan for the growth areas outside of the current urbanized area/ms4 coverage for the Weld/Larimer County Section 208 Region 2. Mr. Dieker with CDPHE explained the funding requirements and allocations with match requirements (no thresholds), accepting cash or in-kind Association functions. Mr. Dieker added that funding is available for multiple years, and funding is not competitive. Membership recommended partnerships with Agriculture Associations would benefit the Watershed Planning efforts. Mr. Dieker stated that Nonpoint source trading might not be allowed under this Watershed plan. Ms. Christa Trendle with CDPHE explained that the geographical extent for this Watershed Plan might be as large or small as reasonable; however, it would benefit the Association for further funding to go as large as possible. Mr. Hepworth moved to approve 604(b) Nonpoint Watershed Plan funding to scope constructing a Nonpoint Watershed plan in 2022, including pre-planning and developing partnerships without commitment to creating a nonpoint watershed plan, seconded by Mr. Bieker. – Motion carried unanimously.
10. **DECISION ITEM:** Potential Comments for 2022 Integrated Water Quality Monitoring & Assessment Report.  
The Water Quality Control Commission will hold a public Administrative Action Hearing to approve the 2022 Integrated Water Quality Monitoring & Assessment Report on October 12, 2021; <https://drive.google.com/drive/folders/1GamfZg6lf0q1IPNh9D8oEaudYptPcvl7>. Public written comments are due September 29, 2021. The Association proposes submitting the following public comment concerning the report;  
“The Association would like to see the Integrated Water Quality Monitoring & Assessment Report track, trend, and present water quality over time, maybe ten-year periods. Illustrating separately whether the categories and classifications’ water quality is being maintained, protected, degraded, or restored by use of Division regulations, policies, and permitting. Otherwise, each Integrated Water Quality Monitoring & Assessment Report only represents a single point in time without referencing whether the Division and permittee actions are making a difference.”  
Mr. Hepworth suggested removing the word “maybe” and replacing it with “such as.”  
Mr. Zick moved to approve and submit the comments as edited above concerning the 2022 Integrated Water Quality Monitoring & Assessment Report, seconded by Mr. Mays. – Motion carried unanimously.
11. **DECISION ITEM:** Town of Johnstown Utility Plan Amendment & Site Application.  
The Town of Johnstown has written a Utility Plan Amendment for consideration and approval by the Association. The Town of Johnstown intends on amending its currently conditionally approved Utility Plan on January 29, 2021. The proposed amendment includes relocating the current Corbett Glen Lift Station less than a half-mile north along WCR 50, approximately 1750 feet east of Colorado Boulevard. The Corbett Glen Lift Station will then be decommissioned. The amended Utility Plan describes relocating the Corbett Glenn Lift Station, including financials, mapping, and additional sentence edits to the Utility Plan concerning the project. The project to relocate the Corbett Glenn lift station was not included in Utility Plan provided by Aqua Engineering conditionally approved by NFRWQPA on January 29, 2021. Mr. Greg Weeks with IMEG presented the project. Membership followed with a short Q&A session concerning design questions answered by Mr. Weeks. Mr. Mays moved to approve the Town of Johnstown Utility Plan Amendment & Site Application, seconded by Mr. Bieker. – Motion carried unanimously.

**12. OTHER BUSINESS:**

a) Workgroup Updates; Can be accessed here:

<https://drive.google.com/drive/u/1/folders/1ZuqjIQadwnsZKi5G21ovoCSMzNJ-rOcq>

**13. ADJOURN.**

Attachment #3



**North Front Range Water Quality Planning Association**  
**Statements of Revenue and Expenses - Budget vs. Actual - Cash Basis**  
As of Septmeber 30, 2021 and August 31, 2021

	<u>Sept 30, 21</u>	<u>August 31, 21</u>	<u>\$ Change</u>
<b>ASSETS</b>			
<b>Current Assets</b>			
<b>Checking/Savings</b>			
1100 · Checking NFRWQPA	10,623.80	15,656.48	-5,032.68
1250 · Colorado Trust NFRWQPA	585,482.49	595,473.75	-9,991.26
<b>Total Checking/Savings</b>	<u>596,106.29</u>	<u>611,130.23</u>	<u>-15,023.94</u>
<b>Other Current Assets</b>			
1500 · Security Deposit	1,353.00	1,353.00	0.00
<b>Total Other Current Assets</b>	<u>1,353.00</u>	<u>1,353.00</u>	<u>0.00</u>
<b>Total Current Assets</b>	<u>597,459.29</u>	<u>612,483.23</u>	<u>-15,023.94</u>
<b>TOTAL ASSETS</b>	<u><u>597,459.29</u></u>	<u><u>612,483.23</u></u>	<u><u>-15,023.94</u></u>
<b>LIABILITIES &amp; EQUITY</b>			
<b>Liabilities</b>			
<b>Current Liabilities</b>			
<b>Credit Cards</b>			
2050 · Mark's CC x7640	119.88	3,081.27	-2,961.39
<b>Total Credit Cards</b>	<u>119.88</u>	<u>3,081.27</u>	<u>-2,961.39</u>
<b>Other Current Liabilities</b>			
2300 · Pension Payable	325.00	325.00	0.00
<b>24000 · Payroll Liabilities</b>			
2406 · Accrued Vacation Payable	1,592.31	1,592.31	0.00
2407 · PERA	1,865.21	1,865.22	-0.01
<b>Total 24000 · Payroll Liabilities</b>	<u>3,457.52</u>	<u>3,457.53</u>	<u>-0.01</u>
<b>Total Other Current Liabilities</b>	<u>3,782.52</u>	<u>3,782.53</u>	<u>-0.01</u>
<b>Total Current Liabilities</b>	<u>3,902.40</u>	<u>6,863.80</u>	<u>-2,961.40</u>
<b>Total Liabilities</b>	<u>3,902.40</u>	<u>6,863.80</u>	<u>-2,961.40</u>
<b>Equity</b>			
2810 · Assets Beginning of Year	572,240.82	572,240.82	0.00
32000 · Retained Earnings	51,739.87	51,739.87	0.00
Net Income	-30,423.80	-18,361.26	-12,062.54
<b>Total Equity</b>	<u>593,556.89</u>	<u>605,619.43</u>	<u>-12,062.54</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u><u>597,459.29</u></u>	<u><u>612,483.23</u></u>	<u><u>-15,023.94</u></u>

No assurance is provided on these financial statements.  
The financial statements do not include a statement of cash flows.  
Substantially all disclosures required by GAAP omitted.

**North Front Range Water Quality Planning Association**  
**Statements of Revenue and Expenses - Budget vs. Actual - Cash Basis**  
For the One-Month and Nine Month Periods Ended September 30, 2021

	<u>September 21</u>	<u>Jan-Sept 21</u>	<u>Budget</u>	<u>% of Budget</u>
<b>Revenues</b>				
9010 · Membership Dues	-	87,926.62	90,484.00	97.17
9020 · Interest Income	8.74	244.58	6,000.00	4.08
9030 · CDPH & E	-	-	10,800.00	-
9990 · Miscellaneous	-	40.00	-	100.00
<b>Total Revenues</b>	<u>8.74</u>	<u>88,211.20</u>	<u>107,284.00</u>	<u>82.22</u>
<b>Expenses</b>				
3100 · Salary	7,697.86	69,280.74	92,374.26	75.00
3103 · Vision Stipend	-	100.00	100.00	100.00
3200 · Health Insurance	338.72	3,048.48	4,500.00	67.74
3210 · Dental & Vision Insurance	107.40	966.60	1,000.00	96.66
3220 · Life Insurance	65.83	592.47	1,000.00	59.25
3400 · FICA/PERA Manager	1,286.47	11,578.28	17,000.00	68.11
3600 · Workman's Compensation	-	13.00	425.00	3.06
5010 · Rent & Utilities	1,326.00	11,856.00	16,000.00	74.10
5100 · Telephone Cellular	75.00	675.00	900.00	75.00
5120 · Interest	-	-	10.00	-
5130 · Internet Service	149.00	1,246.59	2,000.00	62.33
5140 · IT Support	-	2,536.88	3,000.00	84.56
5150 · Advertising	-	-	500.00	-
5160 · Insurance	-	506.00	450.00	112.44
5200 · Printing	-	-	-	-
5250 · Legal Notices	-	-	-	-
5300 · Office Supplies	-	1,737.23	2,000.00	86.86
5350 · Postage	-	58.55	150.00	39.03
5400 · Dues & Subscriptions	850.00	6,767.39	7,500.00	90.23
5425 · Intergovernmental Assist	-	-	10,000.00	-
5450 · Training	-	-	500.00	-
5500 · Mileage Reimbursement	-	-	2,000.00	-
5510 · Meals & Lodging	-	29.97	2,500.00	1.20
5520 · Transportation	-	-	500.00	-
5550 · Conferences	-	-	2,000.00	-
5600 · Accounting	175.00	1,846.25	4,500.00	41.03
5650 · Auditing	-	-	6,500.00	-
5700 · Legal	-	2,844.92	10,000.00	28.45
5750 · Bank Charges	-	-	50.00	-
5800 · Capital Recovery	-	-	750.00	-
5850 · Capital Expenditures	-	-	4,500.00	-
5900 · Contingency Website	-	-	-	-
6010 · Contract Services/GIS	-	-	5,000.00	-
6011 · Contract Services Office	-	-	-	-
6020 · Contract Supplies State	-	-	-	-
6025 · Operations Contingency w/	-	2,950.65	15,000.00	19.67
7000 · Miscellaneous Expense	-	-	100.00	-
<b>Total Expenses</b>	<u>12,071.28</u>	<u>118,635.00</u>	<u>212,809.26</u>	<u>55.75</u>
<b>Net Revenues and Expenses</b>	<u><u>(12,062.54)</u></u>	<u><u>(30,423.80)</u></u>	<u><u>(105,525.26)</u></u>	<u><u>28.83</u></u>

No assurance is provided on these financial statements.  
The financial statements do not include a statement of cash flows.  
Substantially all disclosures required by GAAP omitted.

Attachment #4



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### **Code of Ethics & Values of the North Front Range Water Quality Planning Association**

To make our 208 Planning Agency a better Association, built on mutual respect and trust. To promote and maintain the highest standards of personal and professional conduct among all members involved. This policy applies to all elected officials, town or special district councils and boards, officers, committees, and members of the North Front Range Water Quality Planning Association (the Association), herein called members or membership for this policy.

The proper operation of a democratic government requires that decision-makers be independent, impartial, and accountable to the people they serve. NFRWQPA has adopted this Code of Ethics & Values to promote and maintain the membership's highest personal and professional conduct standards.

All elected and appointed officials, volunteers, members, and others who participate in the Association must subscribe to this Code, understand how it applies to their specific responsibilities, and practice its core values in their work. Because we seek public confidence in the Association's services and public trust of its decision-makers, our decisions and work must meet the most demanding ethical standards and demonstrate the highest achievement levels in following this Code. At the center of this Code lies the Association's Mission and Vision Statements.

#### **Core Values:**

As a designated management or operation agency (DMOA) representative of the Association, I will be ethical according to the Association's Mission and Vision Statements. In practice, this value looks like this:

1. I am trustworthy, acting with the utmost integrity and moral courage.
2. I do what I say I will do. I am dependable.
3. I make impartial decisions being fair and equitable, independent of personal interests or judgment consistent with the 208 Areawide Water Quality Management Plan.
4. If I engage in unilateral meetings and discussions, I do so without making voting decisions.
5. I show respect for members, persons, confidences, and information designated as "confidential."
6. I use my title(s) only when conducting official Association business, for information purposes, or as an indication of background and expertise, carefully considering whether I am exceeding or appearing to exceed my authority.
7. I will avoid actions that might cause the public or others to question my independent judgment.
8. According to the Association's DMOA's responsibilities outlined within the 208 Areawide Water Quality Management Plan, I will be professional and service-oriented.
9. I will be responsible for the Association's DMOA responsibilities outlined within the 208 Areawide Water Quality Management Plan.
10. I will provide prudent consideration in decisions considering the long-term financial needs to maintain, protect or restore regional water quality according to a DMOA's responsibilities outlined within the 208 Areawide Water Quality Management Plan.

As a DMOA representative of the Association, I will collaborate according to the Association's Mission and Vision Statements. In practice, this value looks like this:

1. I positively convey the Association's care for and commitment to its regional citizens to preserve, protect, or restore water quality and wastewater services for regional residents considering the Association's decisions and issues' broader regional and statewide implications.
2. I will communicate in various ways, being approachable, open-minded, and willing to participate in the dialog.



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3. I engage in effective two-way communication by listening carefully, asking questions, and determining an appropriate response that adds value to conversations.
4. I act cooperatively with groups and other individuals, working together in a spirit of tolerance and understanding.
5. I work towards consensus building and gain value from diverse opinions.

**Enforcement:**

NFRWQPA's primary objective is to create a membership of competent decision-making DMOAs to work together to achieve local, regional, and state water quality objectives at the lowest economic, social, political, and environmental costs.

Membership found to violate this Code of Ethics and Values may be subject to censure, guidance, and mentorship by the Association. Any DMOA of any advisory Committee found in violation may be subject to dismissal from the Committee. In an Executive Committee member case, appropriate action shall be taken by the Executive Committee and the General Manager or by an authorized designee.

The above and preceding Resolution of Code of Ethics and Values was motioned and seconded by the Executive Committee Officers adopted on the 2nd day of September 2021.



Attachment #5

To be adopted into the 208 Plan and posted on the Website:

### **Designated Management & Operation Agencies Responsibilities**

#### **DMOA Responsibilities:**

The CWA calls for local jurisdictions and agencies to carry out specific roles in protecting water quality. Agencies with specific responsibilities in implementing the Clean Water Act are approved DMOAs by the Association and the governor. Several federal and state agencies have regulatory oversight in water quality management; local DMOAs recognized by the Association in the 208 AWQMP are responsible for fulfilling federal and state agencies' legal requirements. With primacy to administer the Federal Clean Water Act, Colorado has regulatory oversight of 208 Planning agencies and their responsibilities according to the federal and state CWA. The federal agency is the U.S. Environmental Protection Agency, and the state agency is the Colorado Department of Public Health and Environment, Water Quality Control Commission.

Depending on a DMOA's assigned role (Management or Operation) recognized by this 208 AWQMP, Counties, Municipalities, Special Districts, and representing administrative boards and councils must have the capability to:

- 1) Carry out their responsibilities according to the 208 AWQMP;
- 2) Have legal authority to provide wastewater service to its designated wastewater utility service area (WUSA);
- 3) Accept and utilize grants or other funds from any source for waste treatment management or nonpoint source control purposes to maintain, protect, or restore water quality in the Larimer/Weld County region;
- 4) Continuously raise adequate revenues or necessary funding through sewer rates and tap fees, including rate increases as needed having the capabilities to incur short and long-term indebtedness if needed to implement its assigned portion of the 208 AWQMP to maintain, protect, or restore nonpoint source water quality;
- 5) Make every effort to provide Utility Plans, at least, every ten years regarding regional planning to meet the Colorado Discharge Permit System current and future known for point or nonpoint water quality-based limits or regulations;
- 6) Cooperate with and assist NFRWQPA in the performance of its Utility Plan responsibilities adopted into the 208 AWQMP.
- 7) Construct wastewater facilities or facility upgrades and nonpoint source best management practices (BMPs) to maintain, protect, or restore regional water quality;
- 8) Refuse wastes from industry, municipality, or subdivision thereof, which does not maintain, protect, or restore water quality in the region; i.e., PFAS
- 9) Effectively manage and operate collection systems, lift stations, and related wastewater treatment works and nonpoint source BMPs to maintain, protect, or restore regional water quality;
- 10) Implementing its portion of the 208 AWQMP requires each participating community to pay its proportionate share of related costs.

The DMOAs and their responsibilities established under this 208 AWQMP recognizes three types of DMOAs: 1) Counties, 2) Municipalities, and 3) Regional Water and Sewer Districts that collect and/or treat municipal wastewater, have the following responsibilities:

- 1) To protect water quality and public health by meeting the requirements of their Colorado Discharge Permit System (CDPS), Notice of Authorization (NOA), or National Pollutant Discharge Elimination System (NPDES) permits, and;
- 2) To protect water quality by managing stormwater runoff in compliance with the 208 AWQMP and applicable single and general permit(s);
- 3) A municipality that sells or gives its sanitary sewerage system to another public agency or political subdivision of the state, NFRWQPA will delist the original DMOA and transfer the DMOA designation to the new owner of the WUSA infrastructure;

- 4) County and municipal Health Department's responsibility is to protect water quality and public health by regulating the installation and maintenance of on-site wastewater treatment systems for household residences;
- 5) County and municipal Health Department's are responsible for providing Utility Plans and regional data concerning groundwater contamination of on-site wastewater treatment systems for household residences;
- 6) Counties are responsible for providing appropriate methods to evaluate water quality effects related to large lot developments served by on-site wastewater treatment systems within non-urban wastewater utility service areas.
- 7) Counties, municipalities, and townships are responsible for stormwater permits (MS4s) where required by CDPHE.
- 8) Counties are considered the nonpoint source control agency.

County Soil and Water Conservation District's responsibilities are:

- 1) To provide education and technical assistance to farmers in applying best agricultural management practices;
- 2) To prevent water pollution from sediment, nutrients, and pesticides;
- 3) Encourage fish and wildlife habitat consistent with productive agriculture practices.

Responsibilities of Associates and Industry members of NFRWQPA, although not recognized as DMOAs, are:

- 1) To protect water quality and public health by meeting the requirements of their Colorado Discharge Permit System (CDPS), Notice of Authorization (NOA), or National Pollutant Discharge Elimination System (NPDES) permits, and;
- 2) To protect water quality by managing stormwater runoff in compliance with the regional 208 AWQMP, local, and state applicable single and general permit(s);
- 3) Adequately fund their wastewater treatment facility ensuring the process can meet the Colorado Discharge Permit System current and future known water quality-based limits or regulations;
- 4) Adequately fund nonpoint source water quality best management practices to maintain, protect, or restore nonpoint source water quality.

DMOAs accept responsibility for implementing their part of the Clean Water Act Section 208 and protecting the Larimer/Weld County region's water quality. DMOA status is a prerequisite to participation in the Association to maintain and update the 208 AWQMP.

### **Relationship of 208 Planning to 208 Management**

Management can be considered the doing phase of the 208 processes. In 208 planning, wastewater management policies are agreed upon by the membership DMOAs. Thus, planning is the designing and policy-setting elements, while management is the operational phase when policies are translated into action and implemented. Planning is a continuous process that exists in tandem with management. Planning is not a single act that concludes with completing a Utility Plan but instead guides all DMOAs involved in areawide water clean-up and protection continuously for all time. The WQCC requires bi-annual 208 plan updates, including DMOA progress on their responsibilities not only within their respective Utility Plans but the overall 208 AWQMP.



DMOAs must provide a financially self-sustaining planning process, including Utility Plan updates every ten years and an independent planning process for wastewater treatment facilities, collection systems, and nonpoint source upgrades to meet current and known future water quality standards. Through DMOAs' Utility Plans, the Association develops and operates a continuing 208 AWQMP process for the region. The WQCC certification of the 208 AWQMP ensures the 208 AWQMP is consistent with the state's Colorado Water Plan and applicable state basin plans. The Association has the duties of monitoring the endorsed 208 AWQMP projects approved through Utility Plans. The Association reports its findings to the DMOAs and the state using the 208 AWQMP bi-annually updates. The Association is not a watchdog of the DMOAs. The Association's primary responsibility is to report to the DMOAs to take corrective action to maintain, protect, or restore water quality. In a majority of cases, EPA expects that these responsibilities will lie with the designated planning agency.

### **Requirements that Management and Operation Agencies Must Meet**

Areawide 208 planning is preparing for management and implementation of approved plans mandated by Congress, both in the actual language of Section 208 and other sections and in the spirit of the act. EPA has emphasized Congress' requirements to ensure Areawide 208 planning is carried out regionally. While Congress was quite specific that 208 plans should be implemented, Section 208 allows states and localities great flexibility in designing areawide water quality management systems. The EPA encourages 208 planning agencies to tailor an institutional network to its own water quality financial needs and organizational style.

A governor can designate one or more DMOAs to carry out the 208 Plan. There is considerable latitude within these agencies' requirements set by Section 208 to allow various metropolitan areas, small towns, and rural areas to devise an acceptable and implementable areawide water quality management plan. Most of the specific requirements for 208 DMOAs outlined relate to the financing, construction, operation, and maintenance of wastewater treatment works and nonpoint source pollution control. These require that DMOAs of an areawide water quality management plan as a whole must be able to:

- 1) design, construct and operate waste treatment works,
- 2) accept and use grants,
- 3) raise revenues and assess wastewater treatment charges,
- 4) incur short and long term indebtedness,
- 5) require municipalities to pay a proportionate share of treatment costs,
- 6) be able to refuse wastes from municipalities or subdivisions, which do not maintain, protect, or restore water quality,
- 7) accept industrial wastes,
- 8) set pretreatment standards,
- 9) refuse industrial wastes that do not preserve, protect, or restore water quality, and
- 10) be able to "manage effectively waste treatment works and related facilities." The legal, financial, and organizational capability of managing treatment works is broadly defined to include devices for storage, collection, treatment, recycling, reclamation of municipal sewage or industrial wastes, and nonpoint source pollution control.

In addition to these requirements related to treatment works, the law includes a general provision about the entire management program. This requirement both ensures flexibility in designing an areawide water quality system, and at the same time, demands innovation on the part of the 208 planning agency DMOAs, on the part of governors who must designate management agencies, and within EPA, which must approve those management agencies designation and 208 plans. This requirement states that DMOAs must be able to carry out their responsibilities of the approved 208 AWQMP. This general feature of the law goes beyond those plan elements relating to the treatment works to ensure that all management functions called for in the 208 AWQMP are handled effectively by some DMOAs. Section 208 of the CWA requires DMOAs to have the legal, financial, and institutional capability to carry out their 208 AWQMP responsibilities. Also, it requires that DMOAs organizations exist with enough political power to fund their duties within the approved 208 AWQMP.

As a result, the Association's primary objective is to create a membership of competent decision-making DMOAs, working together to achieve local, regional, and state water quality objectives at the lowest

economic, social, political, and environmental cost. Areawide water quality management must provide a comprehensive and unified approach, achieving the state's water quality standards and agreed upon by the region itself. The 208 AWQMP must address all water pollution sources (point and nonpoint), and if not controlled, taken into account. All DMOA functions must be authorized and funded, and, perhaps the most essential ingredient, a coordinative mechanism provided, i.e., the 208 AWQMP. Congress's apparent aim in writing Section 208 is to overcome irrational fragmentation of responsibility by duplicating services and efforts unnecessarily, as governmental agencies sometimes work at cross purposes with one another. Coordination may be achieved procedurally through 208 Planning agencies when DMOAs agree to collaborate to maintain, protect, or restore water quality regionally. 208 Planning agencies strive to coordinate government agencies locally to prevent duplicated services and efforts regionally. Association members support that these agreed-upon activities in the 208 AWQMP produce a more effective and efficient public service through the collaboration and coordination of wastewater services to preserve, protect, or restore water quality regionally.

What functions will each 208 AWQMP perform, what powers are needed to complete the responsibilities, and does the management program as a whole perform all assignments required? In the 208 AWQMP, vital functions include:

- 1) continuing 208 planning (including policy guidance to DMOAs, revising, updating the 208 AWQMP, evaluating the performance of DMOAs, and the relationship of water quality system with other systems in the region with state and federal governments).
- 2) facilities planning, construction, operation, and maintenance of facilities to collect, intercept, treat, dispose of, reuse, and recycle wastes from municipalities and industries, including stormwater management, nonpoint source runoff controls, sludge disposal or use, regulation of existing and new pollution sources, including nonpoint sources, permits, water quality, and effluent standards, enforcement, and penalty application,
- 3) financing the system, including construction, operation and maintenance, planning, administration, and overhead costs; setting user charge rates, tap fees, pricing policies, and rate and fee increases overtime,
- 4) monitoring; ambient water quality monitoring (point and nonpoint), compliance monitoring, biological monitoring, and support for the general database,
- 5) information systems - GIS, data gathering, storage, retrieval, analysis, dissemination, coordination, and enforcement of the Plan.

What questions will the 208 AWQMP satisfy concerning the DMOAs' responsibilities, and does the 208 AWQMP as a whole perform all assignments required? In the 208 AWQMP key questions answered include:

- 1) Who will require compliance with the 208 AWQMP?
- 2) How will compliance be achieved?
- 3) How will conflicts be resolved among management agencies within the same system, between management and planning functions, between the water quality management system and other systems in the same region?
- 4) Is primary control by local, state, or federal?
- 5) Should construction be split between two or more organizations along subfunctional lines or centralized by the consolidation of WWTFs? For example, should sewer collection lines be built and operated locally and interceptors and treatment plants be handled regionally?
- 6) Does the 208 AWQMP, as a whole, address all sources of pollution, including municipal point sources; stormwater nonpoint source runoff, including combined sewer overflows; nonpoint

sources such as runoff from agriculture and concentrated animal feeding operations (CAFOs), and abandoned mines?

- 7) Is DMOAs financing adequate and assured for all needed actions, including operation, construction, overhead, and administrative costs?

### **Criteria for an Effective Water Quality Management Program**

In deciding these 208 planning issues of where to place functions and responsibilities of DMOAs in the 208 AWQMP, judgments must first be made regarding criteria for “effective” membership networks.

Criteria for assigning practical DMOA functions might include:

- 1) Economic efficiency.
  - i. Can the DMOA achieve its water quality goal at the lowest economic cost?
  - ii. Does it achieve economies of scale?
- 2) Equity.
  - i. Are the benefits of clean water and clean-up costs reasonably and fairly distributed over the affected resident population?
  - ii. Are external costs, such as impacts on other environmental problems and effects on other services and social objectives, minimized?
  - iii. Are individuals’ rights protected?
- 3) Political accountability.
  - i. Are the DMOAs accessible to, accountable to, and controlled by their affected residents in proportion to their stake in the outcome of governmental decisions?
  - ii. For example, are the agencies not dominated by any single special interest group?
  - iii. Is broadly-based citizen participation encouraged and structured?
- 4) Administrative efficiency.
  - i. Has each DMOA been assigned adequate powers to carry out its 208 AWQMP responsibilities and duties?
  - ii. Is each DMOA able to pursue intergovernmental cooperation and reduce interlocal, and membership, functional conflict?
  - iii. Does each DMOA in the 208 AWQMP have adequate funding?
  - iv. Does each DMOA in the 208 AWQMP utilize fee rate increases to meet current and future known water quality regulations?
  - v. Is the DMOA structure sufficiently compatible with existing governmental institutions in the area to be a politically feasible instrument for performing assigned functions?
  - vi. Are DMOAs functional with natural flexibility to consider all alternatives and trade-offs regarding the responsibilities and duties of the 208 AWQMP?

### **Legal Basis**

The Association has the authority to assume responsibility for 208 Planning monitoring, planning, coordination, and conflict resolution responsibilities assigned as the designated Section 208 Areawide Water Quality Management Planning Agency. The current versions of the following documents are incorporated into this 208 AWQMP by reference:

- 1) §208 of the Federal Water Pollution Control Act Amendments (P.L. 92-500) as amended by the Clean Water Acts of 1977, 1982, and 1987 (P.L. 95-271, 97-440, and 100-4)
- 2) Federal Register §35.1521 et seq. Vol. 44 No. 101, Wednesday, May 23, 1979, Rules and regulations
- 3) Articles of Association
- 4) Implementing Documents, Policies, Procedures, and Resolutions of the Association.  
DMOAs are responsible for planning and financing facilities needed to carry out their role. All DMOAs are accountable for planning, collecting, and treating sewage systems involving multiple DMOAs. Typically, the DMOA is the County or municipality that owns and operates the WWTP,

but not always. If a WUSA does not include a treatment plant, the DMOA is responsible for building, managing, and maintaining the collection sewers.

The DMOA's role includes:

- 1) Prepare Utility Plans to meet NFRWQPA and CDPHE requirements and water quality goals.
- 2) Serve as the lead applicant to arrange to finance and construct needed facility improvements to meet water quality-based limits and future water quality-based limits.
- 3) Join into service agreements with other political jurisdictions within the Association to operate and maintain wastewater facilities, collection sewers, nonpoint source control, and other DMOA activities.
- 4) Request 208 AWQMP amendments as necessary. NFRWQPA encourages neighboring governments to resolve service area conflicts at the local level through a collaborative process. A membership vote determines the matter's final decision when affected jurisdictions cannot resolve disputes regarding an amendment of the 208 AWQMP through a collaborative process.
- 5) CDPHE reviews the 208 AWQMP and makes necessary recommendations to achieve the region's water quality goals, and the WQCC approves the 208 AWQMP.
- 6) DMOAs cooperate with membership and in the 208 AWQMP and updating process.

The guiding principles used in delineating WUSAs in NFRWQPA 208 AWQMP are:

1. WUSAs must comply with the Clean Water Act requirements, notably:
  - a) "Waste treatment management shall be on an Areawide basis." [Clean Water Act §201(C)]
  - b) "Identification of those areas which, due to urban-industrial concentrations or other factors have substantial water quality control problems." [Clean Water Act §208(A)(2)]
  - c) WUSAs should use sound planning practices to identify future needs for wastewater collection and treatment facilities.
  - d) A WUSA boundary is a planning area for a single specific present or future DMOA's designated wastewater plant(s) and a service area.
  - e) A WUSA may include service areas for multiple treatment plants.
  - f) WUSAs should be compact and contiguous concentrations of urban land uses without islands of one WUSA surrounding another.
  - g) Remote service areas may be included in a WUSA when connected by force main and separated by regions that remain unurbanized.
  - h) DMOAs are to design WUSAs to serve residents cost-effectively without duplication of service.
  - i) WUSA boundaries should be consistent with adopted local land use and zoning plans.
  - j) WUSA boundaries consider the topography selecting gravity sewer lines over lift stations.
  - k) DMOAs should develop WUSA boundaries through cooperative dialogue among affected local jurisdictions. The Association encourages neighboring governments to resolve sewage service conflicts at the local level through a collaborative process. A membership vote will determine the matter's final decision if affected local jurisdictions cannot resolve disputes regarding an amendment to the 208 AWQMP through a collaborative process.