



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

September 2, 2021 8:00 AM

Remote Meeting

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### Microsoft Teams meeting

Join on your computer or mobile app

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Or call in (audio only)

+1 720-739-6745 United States, Denver

Phone Conference ID: 838 481 751#

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*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.**  
Jason Graham -Chair, Brian Zick -Vice Chair, Rob Fleck-Treasure, Jeremy Woolf, Chris Bieker, and Todd Hepworth.  
NOTE: There is one vacant Executive Committee Officer seat.
3. **APPROVAL OF AGENDA.**
4. **DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST.**
5. **PUBLIC COMMENTS.**
6. **APPROVAL OF PAST MINUTES.** - Attachment #1 (pages 4-6).  
For review and consideration are July 8, 2021, Executive Committee meeting minutes.
7. **ACCOUNTS RECEIVABLES AND PAYABLES REVIEW.** - Attachment #2 (pages 7-8).  
For review and consideration are the accounts receivables and payables for July and August 2021.
8. **DECISION ITEM.** Code of Ethics – Attachment #3 (Pages 9-11).  
During the July 8, 2021 meeting, the Executive Committee reviewed and recommended revisions to the proposed Code of Ethics to be adopted in the next 208 Areawide Water Quality Management Plan update. Those edits as track changes may be viewed and further edited by Executive Committee Officers utilizing the [Google Docs Shared folder](#). The Executive Committee may consider adopting the revised clean version of the Code of Ethics, Attachment #3.
9. **DECISION ITEM.** Designated Management and Operation Agency Responsibilities – Attachment #4 (Pages 12-20).  
During the July 8, 2021 meeting, the Executive Committee reviewed and recommended revisions to the proposed Designated Management and Operation Agency Responsibilities to be adopted in the next 208

Areawide Water Quality Management Plan update. Those edits as track changes may be viewed and further edited by Executive Committee Officers utilizing the [Google Docs Shared folder](#). The Executive Committee may consider adopting the revised clean version of the Designated Management and Operation Agency Responsibilities, Attachment #4.

**10. DECISION ITEM.** Recommended Regional Areas of Consolidation – Attachment #5, #6, & #7 (Pages 21-28).

As a result of lessons learned regarding the opportunity, the Town of Johnstown and Milliken had to consolidate the Association should consider recommending and encouraging regional areas of consolidation, Attachment #5. The July 15, 2021, Meeting Minutes concerning Johnstown and Milliken consolidation are in Attachment #6. Suppose there was a 208 Plan recommending areas of consolidation years, decades ago, in the 208 Plan. In that case, all agencies involved could have been planning for this regarding sizing collection systems correctly, designing WWTFs to be scalable, and coordinating which agency would be consolidating with whom. It would have forced more collaboration between the agencies regarding future planning. The Association then could require designated management and operation agencies to explore consolidation through intergovernmental agreements utilizing Utility Plans, Site Applications, and 208 Plan Amendments. As the Section 208 Planning agency, the Association could require all future sewer interceptors sized appropriately for regional consolidation through further association policy development. This Association planning action would give future decision-makers, town administrators, and planning commissions the opportunity to consider consolidation as the least costly option. InVision GIS has provided a quote to map regional areas of consolidation for Executive Committee approval, Attachment #6.

**Recommended Regional Areas of Consolidation.**

- |  |   |
|--|---|
| 1. <b>Resource Colorado Water &amp; S.M.D.</b> , Hudson, & Keenesburg  | 9. <b>Upper Thompson S.D.</b> , & Estes Park  |
| 2. <b>Metro S.D.</b> , Ft, Lupton, Lochbuie, Northglenn, Broomfield, & Rocky Mountain Vista Mobile Home Park | 10. Mobile Home Parks & Campgrounds are recommended to join service areas in which they reside. |
| 3. <b>St. Vrain S.D.</b> , Erie, Mead, Longmont, & Platteville   | <b>Currently not recommend for Consolidation</b>  |
| 4. Gilcrest & LaSalle  | 11. Wellington  |
| 5. <b>Greeley</b> , Evans, Windsor, & Severance  | 12. Berthoud  |
| 6. <b>Milliken</b> , Johnstown, & Evans  | 13. Kersey  |
| 7. <b>Eaton</b> , Nunn, Pierce, Ault, & Galeton  | 14. Loveland  |
| 8. <b>Ft. Collins (Mulberry &amp; Drake)</b> , Timnath, Boxelder, South Ft. Collins, & Severance             | 15. Crystal Lakes   |
|  | 16. Fox Acres   |
|  | 17. Longmont  |

**BOLDED** denotes the Association's recommended agency that other agencies are to consolidate with. These recommended regional areas of consolidation would have to be vetted and agreed to by membership.

**11. DISCUSSION ITEM.** Potential for Additional Funds in 604(b) Contract for Watershed Planning Mr. Thomas will provide an update following the Association meeting on August 26, 2021.

**12. DISCUSSION ITEM.** Workgroup Update Presentations. Does the Executive Committee have any recommendations on presenting the workgroup updates during the Association meetings other than PowerPoint and having me read them?

**13. OTHER BUSINESS.**

14. ADJOURN.

Attachment #1



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## EXECUTIVE COMMITTEE MINUTES

July 8, 2021 8:00 AM

Remote Meeting Only

1. **CALL MEETING TO ORDER.**

The meeting was called to order at 8:08 AM by Mr. Thomas.

2. **DETERMINATION OF A QUORUM.**

Vacant -Chair, Jason Graham -Vice-Chair, Rob Fleck-Treasure, Jeremy Woolf, Chris Bieker, & Brain Zick. A quorum was announced.

3. **APPROVAL OF AGENDA.**

Mr. Fleck 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 May 6, 2021, were presented for review and consideration. Mr. Bieker moved to approve the minutes seconded by Mr. Woolf. – motion carried unanimously.

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

The accounts receivables and payables for May and June 2021 were presented and reviewed. Mr. Woolf moved to approve the reviewed accounts receivables and payables for May and June 2021, seconded by Mr. Zick. – motion carried unanimously.

8. **DECISION ITEM.** Executive Committee Officer Chair Vacancy.

Thomas Acampora resigned as NFRWQPA Executive Committee Chair on June 14, 2021. According to the Articles of Association, the Vice-Chair is to succeed the Chair. Mr. Zick motioned nominating Mr. Graham for the Executive Committee Chair, seconded by Mr. Bieker. Mr. Graham accepted the nomination to serve as the Executive Committee Chair. – motion carried unanimously.

Mr. Fleck motioned nominating Mr. Zick for the Executive Committee Vice-Chair, seconded by Mr. Graham. Mr. Zick accepted the nomination to serve as the Executive Committee Vice-Chair. – motion carried unanimously.

9. **DECISION ITEM.** Code of Ethics.

The Executive Committee reviewed and discussed the proposed Code of Ethics. The general consensus was to revise the Code of Ethics, making it more concise.

10. **DECISION ITEM.** Designated Management and Operation Agency Responsibilities.

The Executive Committee reviewed and discussed the proposed Designated Management and Operation Agency Responsibilities presented. The Executive Committee did not decide to adopt the language of the Designated Management and Operation Agency Responsibilities at this time.

11. **DECISION ITEM.** Hybrid Meeting Quotes.  
The Executive Committee asked the Manager to explore more economical options.
12. **DISCUSSION ITEM.** Johnstown Milliken Consolidation.  
The Manager did not give an update was not given due to time restraints.
13. **OTHER BUSINESS.**  
The Executive Committee did not discuss any other business.
14. **ADJOURN.**

Attachment #2





Attachment #3



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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 participatory members of the Association, we subscribe to the following 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.



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8. I will be professional and service-oriented according to the Association's DMOA's responsibilities outlined within the 208 Areawide Water Quality Management Plan.
9. I will be responsible for the Association's DMOA's 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 designated management or operation agency (DMOA) representative of the Association, I will collaborate according to the Association's Mission and Vision Statements. In practice, this value looks like this:

11. 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.
12. I will communicate in various ways, being approachable, open-minded, and willing to participate in the dialog.
13. I engage in effective two-way communication by listening carefully, asking questions, and determining an appropriate response that adds value to conversations.
14. I act cooperatively with groups and other individuals, working together in a spirit of tolerance and understanding.
15. 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; that will work together to achieve local, regional, and state water quality objectives at the lowest economic, social, political, and environmental cost.

Membership found to violate this Code of Ethics and Values may be subject to mentorship by the Association Executive Committee. Any member 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 XX<sup>th</sup> day of [Month] 2021.



Attachment #4

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

**Designated Management & operation Agencies (DMOAs) Responsibilities**

The Clean Water Act 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 called Designated Management and Operation Agencies (DMOAs). Several federal and state agencies have regulatory oversight in water quality management; local DMOAs recognized by the Association in the 208 Areawide Water Quality Management Plan (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 Clean Water Act. 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 their 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:

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

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

- 12) 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;
- 13) To protect water quality by managing stormwater runoff in compliance with the regional 208 AWQMP, local, and state applicable single and general permit(s);
- 14) 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;
- 15) Adequately fund nonpoint source water quality best management practices to maintain, protect, or restore nonpoint source water quality.

DMOAs accept responsibility to implement their part of the Clean Water Act Section 208 and protect 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 phase and policy-setting element, 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 WWTF and nonpoint source upgrades to meet current and known future water quality standards. Through DMOAs' Utility Plans, NFRWQPA develops and operates a continuing 208 AWQMP process for the region. The WQCC certification of the 208 AWQMP ensures the Plan is consistent with the state's Colorado Water Plan and applicable state basin plans. NFRWQPA has the duties of monitoring endorsed 208 AWQMP projects approved through Utility Plans. NFRWQPA reports its findings to the DMOAs and the state using the 208 AWQMP bi-annually updates. NFRWQPA is not a watchdog of the DMOAs. NFRWQPA'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 planning 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 law. 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 wastewater

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 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 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 DMOA. Section 208 of the CWA requires DMOAs to have the legal, financial, and institutional capability to carry out their approved Utility Plan and 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, NFRWQPA'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. 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. NFRWQPA 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 Plan 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:

- 6) Who will require compliance with the 208 AWQMP?
- 7) How will compliance be achieved?
- 8) 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?
- 9) Is primary control by local, state, or federal?

- 10) 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?
- 11) 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?
- 12) 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.
  - a. Can the DMOA achieve its water quality goal at the lowest economic cost?
  - b. Does it achieve economies of scale?
- 2) Equity.
  - a. Are the benefits of clean water and clean-up costs reasonably and fairly distributed over the affected resident population?
  - b. Are external costs, such as impacts on other environmental problems and effects on other services and social objectives, minimized?
  - c. Are individuals’ rights protected?
- 3) Political accountability.
  - a. Are the DMOAs accessible to, accountable to, and controlled by their affected residents in proportion to their stake in the outcome of governmental decisions?
  - b. For example, are the agencies not dominated by any single special interest group?
  - c. Is broadly-based citizen participation encouraged and structured?
- 4) Administrative efficiency.
  - a. Has each DMOA been assigned adequate powers to carry out its 208 AWQMP responsibilities and duties?
  - b. Is each DMOA able to pursue intergovernmental cooperation and reduce interlocal, and membership, functional conflict?
  - c. Does each DMOA in the 208 AWQMP have adequate funding?
  - d. Does each DMOA in the 208 AWQMP utilize fee rate increases to meet current and future known water quality regulations?
  - e. Is the DMOA structure sufficiently compatible with existing governmental institutions in the area to be a politically feasible instrument for performing assigned functions?
  - f. Are DMOAs functional with natural flexibility to consider all alternatives and trade-offs regarding the responsibilities and duties of the 208 AWQMP?

### **Legal Basis**

NFRWQPA 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 Plan 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:

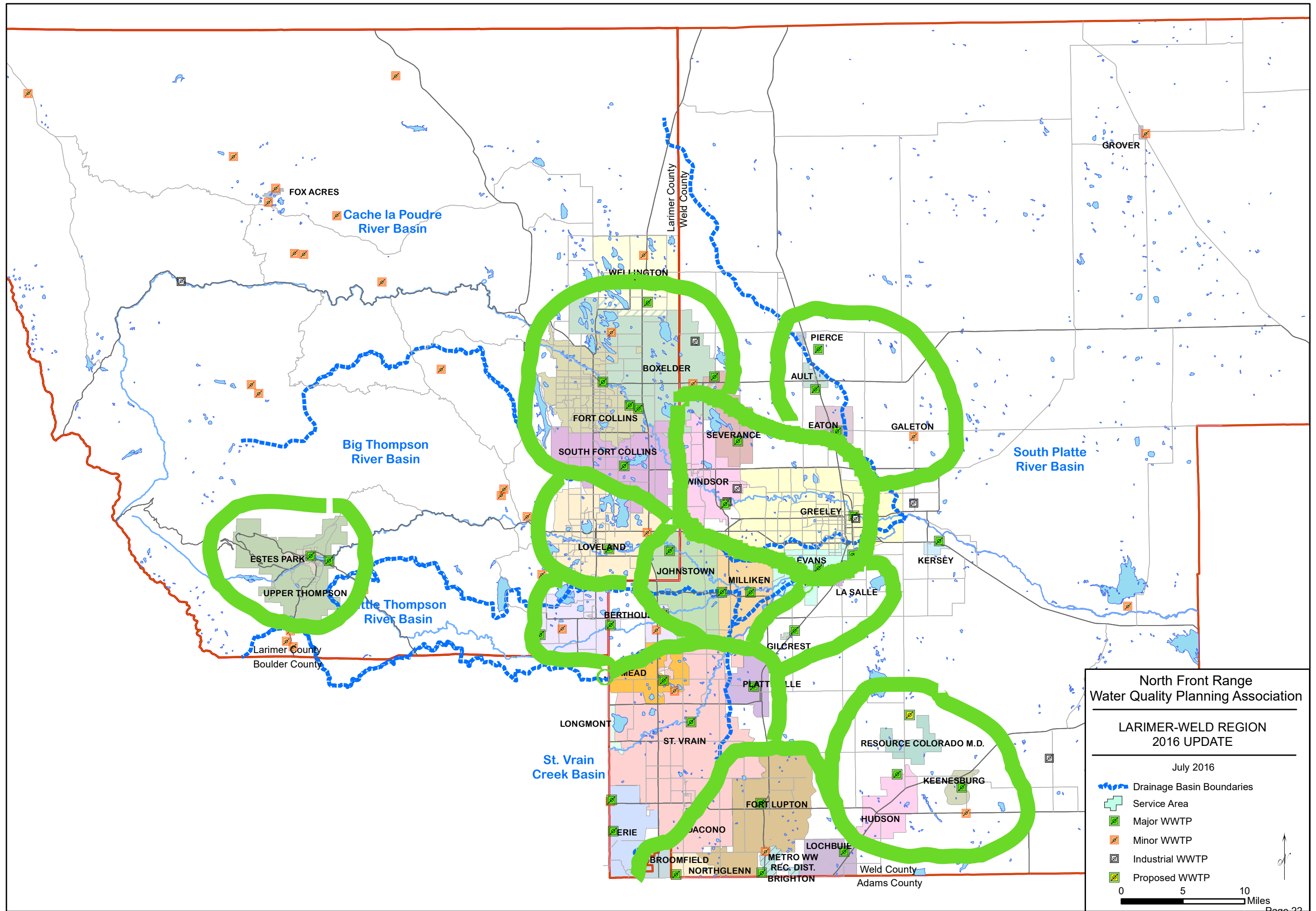
- 1) Prepare Utility Plans to meet NFRWQPA and CDPHE requirements and water quality goals.
- 2) Serve as the lead applicant to arrange to finance and construct needed facility improvements to meet water quality-based limits and future water quality-based limits.
- 3) Join into service agreements with 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. When affected jurisdictions cannot resolve disputes regarding an amendment of the 208 AWQMP through a collaborative process, a membership vote determines the matter's final decision.
- 5) CDPHE reviews the 208 AWQMP and makes any 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, as a result of 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. NFRWQPA encourages neighboring governments to resolve sewage service conflicts at the local level through a collaborative process. If affected local jurisdictions cannot resolve disputes regarding an amendment to NFRWQPA’s 208 AWQMP through a collaborative process, a membership vote will determine the matter’s final decision.







Attachment #5

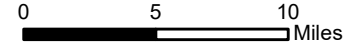


North Front Range  
Water Quality Planning Association

LARIMER-WELD REGION  
2016 UPDATE

July 2016

-  Drainage Basin Boundaries
-  Service Area
-  Major WWTP
-  Minor WWTP
-  Industrial WWTP
-  Proposed WWTP



Attachment #6



## MEETING MINUTES

**July 15, 2021; 2:00 PM**

**Remote Meeting Only**

The following were in attendance:

Mark Thomas - NFRWQPA  
Bob Frachetti – Aqua Engineering  
Craig Matsuda– Aqua Engineering  
Cheryl Powell - Milliken  
Don Stonebrink- Milliken  
Brad Simmons – MMI Water Engineers

Matt Lecerf - Johnstown  
Marco Carani - Johnstown  
Christa Trendle - CDPHE  
Tammy Allen - CDPHE  
Michelle DeLaria - CDPHE  
Meg Parish - CDPHE

*RE: To ensure the NFRWQPA is doing its due diligence regarding 208 Planning in the Region of Larimer/Weld County concerning consolidation of Johnstown’s Central WWTP with the Town of Milliken, the Association proposes a meeting with all parties. Working on behalf of the membership involved, the Association feels that this meeting is necessary to protect the agencies involved fiscally. The Association wants to gather all relevant information regarding Johnstown and Milliken consolidating to avoid any surprises during the Site Application process that either the Division or NFRWQPA may deny Johnstown Central WWTP’s currently planned facility improvements and expansion in favor of consolidation. Both the Water Quality Control Division and NFRWQPA, according to Regulation 22, have a responsibility to explore consolidation and may deny a site application on such grounds. Avoiding a situation where a site application to expand and upgrade is considered a routine approval when it could be denied in favor of consolidation by the Division or NFRWQPA. As such, to prevent any further budgetary expenditures on Johnstown Central WWTP’s current Site Application concerning its Compliance Schedule with the Division, NFRWQPA requests a meeting to explore regional options and site application outcomes.*

Some key takeaways:

1. The Division can extend Johnstown’s Compliance Schedule to explore consolidation.
2. Extending Johnstown’s Compliance Schedule beyond 5-7 years in favor of consolidation would be hard to justify to the EPA.
3. Johnstown and Milliken favor consolidation; however, considering the timeframe, there is no solution for consolidation and to accommodate Johnstown and Milliken WWTFs projected flow loads since Milliken is at 80%, and Johnstown would reach capacity in 2 years or less.
4. There was communication, coordination, and collaboration breakdown between the 208 Agency, agencies/municipalities, and the Division concerning Johnstown NOVs, CODs, and compliance violations.
5. If Johnstown consolidated with Milliken, an appropriately sized interceptor line would need to be constructed from Johnstown’s WWTP to Milliken’s WWTP since Milliken’s closest service connection would not handle the flow from Johnstown.
6. If Johnstown proceeds with expansion, does it make sense then for Milliken to consolidate with Johnstown?
  - a. Milliken at 80% capacity needs to know that now.
7. The Division can only encourage consolidation, not require it.



8. Likewise, it is unknown what NFRWQPA's authority is regarding consolidation.
9. Lessons Learned.
  - a. NFRWQPA should have encouraged and recommended areas of consolidation years, decades ago in the 208 Plan.
    - i. Suppose there was a 208 Plan recommending areas of consolidation years, decades ago, in the 208 Plan. In that case, all agencies involved could have been planning for this regarding sizing collection systems correctly, designing WWTFs to be scaleable, and coordinating which agency would be consolidating with whom. It would have forced more collaboration between the agencies regarding future planning.
  - b. The Division should require 208 Plans to recommend areas/agencies of consolidation.

 [Exploring Johnstown Milliken Consolidation-20210715\\_140835-Meeting Recording.mp4](#)

Attachment #7

SCOPE OF WORK FOR NFRWQPA 2021

# **NORTH FRONT RANGE WATER QUALITY PLANNING ASSOCIATION CONSOLIDATION AREAS MAPPING**

SUBMITTED BY



**InVision GIS, LLC**

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Ph: (970) 776-6321  
jillfischer@invisiongis.com

August 2, 2021

## Scope

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This scope of work includes creating a new Recommended Consolidation Layer and web mapping interface and adding it to the GIS Hub. It also includes updating the current Hub by removing maps and data that are no longer needed and adding new links to locations where that data can now be found. Time has also been allocated for future updates based on Board and Member feedback.

The association would need to purchase 1 ArcGIS Online Level 1 view user from Esri for \$100/year for the Association Manager, which is separate from any fees paid to InVision GIS.

## Tasks & Budget

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Task	GIS Professional and Project Manager	GIS Specialist
	\$105/hr	\$75/hr
Assist with the purchase of ArcGIS Online Credits and View User	2	
Create new Consolidation Layer	2	
Create new web map for Recommended Consolidation areas	3	12
Remove 303d & WQ Monitoring Sites maps and data from hub. Add new link		3
Project management, updates, support, meetings & future revision	10	
Sub-Total	\$1785	\$1125
Grant Total		\$2910