

MINUTES
NFRWQPA June 26, 2008 Meeting

1. Roll Call

The meeting was called to order at 3:00 p.m. by Chair, Jeff Hodge at the Northern Colorado Water Conservancy District offices. Roll was called and the following members were in attendance:

Fred Walker – Boxelder S.D.	Tim Holbrook - Hudson
Randy Siddens – Boxelder S. D.	David Andre – Kodak Colorado
Ed Burke – Brighton	Tom Satchell - Lochbuie
Anthony Tuka - Broomfield	Larry Wyeno - Longmont
Jon Mays – Erie	Chris Matkins - Loveland
Gary Behlen – Erie	Margaret Medellin – Resource CO S.D.
James Duell – Estes Park S.D.	John Holdren – Severance
Steve Comstock – Ft. Collins	Rob Fleck – St. Vrain S.D.
Thom Vincent – Ft. Lupton	John Jordan - Timnath
Dennis Schump – Greeley	Jeff Hodge – Upper Thompson S.D.

Also present were Connie O’Neill, Manager for the Association; Jason Davidson, A. G. Wassenaar; and Andrew Waddoups, Burns and McDonnell.

2. Approval of Agenda

No changes were proposed to the agenda as presented.

3. Minutes

Minutes of the April 24, 2008 meeting were reviewed. Mr. Holdren made a motion to approve the minutes. Mr. Mays seconded motion and it was approved.

4. Financial Report

Ms. O’Neill summarized the April and May financial reports. Mr. Mays made a motion to approve the reports. Mr. Holdren seconded the motion and it was approved.

5. Decision Item: Utility Plan, Rocky Mountain Vista Mobil Home Park

Ms. O’Neill introduced the Utility Plan. She presented a map with the location of the mobile home park. In addition, she indicated that Weld County had not yet completed their review of the plan. Mr. Fleck indicated that the Utility Plan Review Committee was recommending conditional approval of the plan. Ms. O’Neill then read the Committee’s condition which stated that Rocky Mountain Vista would need to submit the Utility Plan to the appropriate review agencies, Weld County Department of Public Health and Environment and Weld County Department of Planning Services / Weld County Commissioners for review and comment. Any concerns or conditions raised by these agencies will need to be addressed as part of the final plan. Mr. Mays made a motion to approve the Utility Plan with the condition stated. Mr. Burke seconded the motion and it was approved.

6. Decision Item: Site Application, Utility Plan, Rocky Mountain Vista MHP

Ms. O’Neill indicated that the mobile home park had also submitted a Site Application along with the Utility Plan that had just been considered. She provided some background on the existing facility for the park. She indicated that the Site Application was for a small SBR system to serve the 63 mobile homes and the Manager’s home. Mr. Mays made a motion to recommend for approval of the application. Mr. Duell seconded the motion and it was approved.

7. Decision Item: Site Application, Utility Plan, Town of Erie

The Town of Erie has submitted an update to their approved Utility Plan for review and consideration by the Association. The Utility Plan Review Committee had reviewed the update and had met with representatives from the Town. The Committee requested a few additional

items that have now been submitted and a revised version of the update has been posted on the Association's website. Mr. Fleck indicated that the Committee was making a recommendation to the Association for approval of this update. Mr. Mays stated that the Utility Plan was approved in 2001 and has been a useful tool which has been good for planning, scheduling, and budgeting. In 2005 Erie updated population figures that have now been incorporated. He indicated that the Utility Plan Committee has been helpful and the Town appreciated their input. Mr. Duell asked about the population projections. Mr. Waddoups stated that the projections now are lower than previously projected. Mr. Behlen added that the demographics of the area are mainly residential now; as they develop they will have a different flow characteristic with commercial and businesses. Mr. Duell stated that over time they have actually seen their usage go down and wondered if anyone else had also seen that. Mr. Holdren made a motion to approve the Utility Plan Update. Mr. Duell seconded the motion and it passed.

8. **Decision Item Utility Plan, & Site Application Policies Discussion**

This item has been placed on the agenda at the request of Boxelder Sanitation District to provide an opportunity for discussion in follow up to a letter that was distributed to the membership which was submitted by Boxelder Sanitation District. Mr. Walker stated that the intent was not to say that Utility Plans are bad, but it appears to the District that there are two different ways that site applications can be submitted and reviewed. He also questioned the Association's request to require Utility Plans as part of Regulation 22. Ms. O'Neill clarified that the Association has submitted two items to the Division so far for consideration during the Regulation 22 review discussion. The first item was at the requests of Northglenn and it suggested a more streamlined process for piloting treatment technology. The other item was the possibility of requiring a Utility Plan as part of the Site Application process. That was a request that was carried forward at the direction of the Executive Committee. Additionally, the state has established a hearing date for that review in July 2009 and indicated that the formal stakeholder process will begin later this summer.

Mr. Hodge stated that the Association is giving everyone a chance to state what it is that they want. He pointed out that few if any of the plans the Association have approved have been kicked back from the state. Mr. Walker said there should be quantification on what type of site application. He expressed concern that the mobile home park which had just been considered spent money on the Utility Plan that could have really gone toward the structure. Mr. Walker stated that Boxelder's discharge permit expired in 2004, and they are still waiting for the new discharge permit with a compliance schedule. He indicated that the compliance schedule requires a Utility Plan so Boxelder doesn't want to throw the whole thing out. However, it seems like an all or nothing approach and there should be some consideration to the nature of the application prior to considering Utility Plans. Mr. Duell asked about the degree of change. Mr. Walker made a suggestion to form a committee to discuss the issue. He stated that applicants should have the ability to go forward and asked for a membership decision and that there should be some level of intensity considered.

Mr. Burke agreed that it was a lot of money for the mobile home park to spend and that this goes too far. Mr. Siddens said there are two options for approval and it is spelled out in the text of the policy and in the diagrams. There is an option with a Utility Plan or without, but the policy includes a contradiction when it states a plan is required. Ms. O'Neill clarified that the policy was written to accommodate application beginning in 2005. In order to have a policy that would be functional from 2005 to 2008, it needed to have two tracks for that grace period.

She stated that while there are two tracks in the policy she disagreed that the intended was for there to always be two options. The goal was for everyone to have a Utility Plan in place beginning in 2008. Mr. Walker stated that the site application policy was adopted on July 26, 2007 and if the intent was to require a plan it clearly should have been spelled out. Mr. Hodge said that from a historical perspective, the intent was a fixed approach, they just did not write it correctly. He added that meetings used to take hours to handle what the Committee does now. He questioned whether we needed to give some consideration to the question and be prepared to discuss at the next meeting whether a committee should be formed to discuss how policies are written. He added that we need to make sure that we are meeting state and federal needs while furthering our own purpose.

Mr. Holdren stated that he did not think that size was the key thing to look at. Mr. Walker asked what the Executive Committee discussion on this subject included. Ms. O'Neill stated that the Committee discussed the historical perspective and how applications were considered in past years and the workload associated with that. They also discussed the intent of the Utility Plans as a replacement for 201 facility plans and to utilize a committee review. There was also a discussion of the benefits of the Utility Plan and the Committee indicated that there was a need to hear from the membership. Mr. Andre stated that this policy reflects an evolution of this Committee and is a result of what has been successful and not successful. This is the summation of the best learning's of the time and the evidence of how effective it is will be in whether we are successful when we go to the state or not. Mr. Mays added that the Utility Plan process is here to help the membership. Mr. Walker asked for clarification that today there is a two path scenario. Mr. Hodge stated that he felt there was one path. He added that there is a whole set of things that the state wants answered and he would prefer that applications move forward as smooth as possible and that having a Utility Plan is an advantage. Mr. Siddens asked if small entities that only need an interceptor approved should have to spend the money to do a Utility Plan. He expressed a need for a dual path and for a level of intensity which would trigger the need for a Utility Plan. He also stated that he would argue that Utility Plans need to stay as a request, not a requirement. Mr. Hodge followed up by asked how many of those types of application do you allow before there is a problem. Mr. Siddens said we are a planning agency and we should let entities do their planning. Mr. Andre wondered about letting them plan wrong. Mr. Walker stated that we can plan all we want but growth is not necessarily going to happen where it is planned and there needs to be flexibility. Mr. Walker suggested we develop a committee to discuss this and Boxelder would be happy to serve on the committee. Mr. Holdren asked if the state requires Utility Plans. Mr. Hodge indicated no however, there is grey area on what they really want to see.

Mr. Holbrook then asked if anyone could comment of downside of the Utility Plan Committee having both Utility Plans and Site Applications at the same time. There was a brief discussion on this issue. Mr. Walker then stated that the District will have a 30 inch extension of an interceptor and asked the Committee if they could do a collection only Utility Plan and were told no. Ms. O'Neill agreed and stated that it is very difficult to review Utility Plans in pieces without complete information. Mr. Hodge said that our track record would indicate when we only get bits and pieces of information that is when there are issues getting approval from the state. By following our checklist there is a high success rate at the state. Mr. Comstock stated that Ft. Collins is going to support the Utility Plan process with out question. He said they would rather have the plan beat up here and polished before it goes to the state. He questioned

whether there could be some sort of abbreviated tool that could be provided to the Committee and questioned whether there were improvements that could be made to the existing process. He stated that he would rather see a plan to drive the big picture and the mission of the group and that the policy may need some clarity. He also liked the idea of the Committee paring down the workload so that meetings did not last several hours. Regarding receiving Site Application and Utility Plans at the same time, Mr. Comstock suggested that the two documents would have the same inconsistencies and by considering the plan first you would have an opportunity to clean up the Application.

Mr. Hodge suggested thinking about the issues and discussing it further at the next meeting. Mr. Walker wanted a consensus from the group that there are two paths for Site Application and that they can be considered with or without a Utility Plan. Mr. Duell stated that there are two paths right now however there is a better chance of getting approval if you have a Utility Plan. Mr. Mays suggested that if there are two paths, we should consider a process similar to DRCOG. Their policy requires a Site Application without a Utility Plan to be reviewed by the Utility Plan Committee for a recommendation. There was some discussion of this process. Mr. Hodge then stated that he thought the topic was still up in the air and that the historical intent was to have a Utility Plan. He stated that there is still a need for further discussion. Mr. Mays suggested an e-mail poll to ask for comments from the rest of the members on what they would like to do. Mr. Mays then made a motion to conduct the e-mail poll. Mr. Walker seconded the motion and the motion was approved. Mr. Walker thanked Ms. O'Neill for distributing the letter from Boxelder.

9. **Other Business**

A. Water Quality Control Commission

Ms. O'Neill did not attend the June meeting as it was in Grand Junction. At the May meeting the Commission set a date of July 2009 for the Regulation 22 hearing. Next month the Commission will be considering the 2007 Update of the 208 Plan at an Administrative Action Hearing. Ms. O'Neill did not know of any comments that the Commission or Division has received as of yet regarding the plan.

B. Other Business

Ms. O'Neill announced that Larimer County has posted a draft 1041 regulation for public utilities. This is the first step and following this step they will be considering the regulation for pipelines, including wastewater lines. Ms. O'Neill asked that the Association be added to the list of interested parties and discussed the possibility of the County making a presentation when they are ready to start on the pipeline proposal. Ms. O'Neill also has the County planning contact information for those who are interested.

Ms. O'Neill announced that she had copies of the 2007 Update available. She also reviewed some of the updates to the GIS project.

Mr. Holbrook thanked the Utility Plan Committee for their time in reviewing the Hudson Utility Plan.

10. **Adjourn**

There being no further business Mr. Mays made a motion to adjourn the meeting. Mr. Andre seconded the motion and the meeting was adjourned.