

**MINUTES**  
**NFRWQPA March 27, 2008 Meeting**

**1. Roll Call**

The meeting was called to order at 3:02 p.m. by Chair, Jeff Hodge at the Northern Colorado Water Conservancy District offices. Roll was called and the following members were in attendance:

Randy Siddens – Boxelder S.D.  
Fred Walker – Boxelder S.D.  
Ed Burke – Brighton  
Stephanie Stewart – East I-25 S.D.  
Merle Maass – East I-25 S.D.  
Jon Mays – Erie  
James Duell – Estes Park S.D.  
Carol Webb – Ft. Collins  
Dennis Schump – Greeley  
John Burgeson - Johnstown  
David Andre - Kodak  
Tom Satchell - Lochbuie

Larry Wyeno – Longmont  
Steve Adams - Loveland  
Chris Matkins – Loveland  
Fred Meine - Mead  
Jim Wright - Mead  
David Allen - Northglenn  
John Holdren – Severance  
Eric Doering – St. Vrain S.D.  
Rob Fleck – St. Vrain S.D.  
Jeff Hodge – Upper Thompson S.D.  
Rob Masden – Weld County

Also present were Connie O’Neill, Manager for the Association, Warren Mesloh, R McComber, Scott Watson, Edward Bendelow, Bill Woods, Sam Wyse, John Kirsch, Nick Sekich, Ronda Sandquist, Webb Jones, Mike Ketterling, Joan Fritsche, Jeff Crowley, Gary Woods, Richard Lyons, Tim Holbrook, Craig Mueller, and Fred Porter.

**2. Approval of Agenda**

The agenda of the meeting was considered. Mr. Masden made a motion to approve the agenda. Mr. Mays seconded the motion and the agenda was approved.

**3. Minutes**

Minutes of the February 28, 2008 meeting were considered. Mr. Doering made a motion to approve the minutes. Mr. Holdren seconded the motion and it was approved.

**4. Financial Report**

Ms. O’Neill summarized the February financial report. Mr. Mays made a motion to approve the financial report. Mr. Wyeno seconded the motion and it was approved.

**5. Decision Item: Site Application – Organic Capacity Expansion, Boxelder Sanitation District**

Ms. O’Neill introduced the engineer for the application, Mr. Warren Mesloh and stated that the application was for an increase in organic capacity at the Boxelder treatment facility by recognizing existing equipment. She indicated that because the District does not have an approved utility plan, the application does not meet the requirements of the Site Application Policy or the Utility Plan Policy. Mr. Mesloh indicated that the District has additional organic capacity at the facility as the result of larger aeration pumps. He indicated that the District had originally submitted an amendment application in December 2007 however; the Colorado Department of Public Health and Environment indicated that what they were requesting constituted an expansion not an amendment. Mr. Mesloh indicated that the District is aware of the need for a utility plan however they are requesting a delay in the requirement. In addition, they have experienced some high organic loading in the last few months which further emphasizes the need for the increase.

Mr. Walker indicated that the District had started the process prior to there being any excursions in the organic loading. In addition, the District is required by a compliance schedule to have a utility plan done by 2010. Ms. Webb questioned the growth projections provided in the

submittal. Mr. Siddens indicated that the growth projection are not different than previously indicated, they have just added the option of higher growth rates. He indicated that if there is a growth spurt the District could run out of capacity prior to having a new plant on line. He also indicated that the excursion happened by having an influent load higher than their rated capacity but that the plant has not had any effluent discharge violations. Ms. Webb then questioned the need to submit the application prior to the completion of a utility plan. Mr. Walker stated that the District has a lot of potential for growth and would like to have some buffer. Mr. Wyeno questioned where they were in the utility planning process. Mr. Siddens indicated that the compliance schedule requires a utility plan by March 2010 however a new permit is still needed. Mr. Walker noted that the process was started with the mini utility plan for the Drake Collection System. Mr. Andre stated that it seems troubling to consider an exception to a policy that has just been put into place given there is no emergency. Mr. Mays stated that he felt the District was looking for some wiggle room. He then made a motion to recommend for approval of the application. Mr. Masden seconded the motion and it was approved.

6. **Decision Item: Utility Plan - Saddler Ridge Metro District**

Ms. O'Neill indicated this was an item carried over from last month. Mr. Fleck, Chair of the Utility Plan Review Committee, indicated that the Committee had met with representative of the District and has developed a list of conditions. With this list the Committee is recommending conditional approval of the plan. Ms. O'Neill then read the proposed conditions:

- The District will need to submit the "Local Agency Utility Plan Acceptance or Conditional Acceptance Form" (Attachment 9) provided in the NFRWQPA Utility Plan Guidance which has been completed by all the appropriate review agencies (Town of Severance, Weld County, and Weld County Department of Public Health & Environment).
- The District will need to provide information regarding the relationship between the District and the Town of Severance which assures the Town of wastewater service for the specified area from the District. (Attachment 5)
- The District will need an agreement or memorandum of understanding with the Loup Reservoir Company for effluent discharge to the Slough and/or Loup Reservoir.
- The District will be required to demonstrate legal arrangements showing control of all sites or right-of-ways for the project life or showing the ability of the entity to acquire the sites or right-of-ways and use them for the project life.
- The District will need to show that all sites have appropriate zoning for the wastewater treatment facilities.
- Additional information will need to be provided to demonstrate public participation in the selection process.
- The District will need to demonstrate the legal authority to provide wastewater collection and treatment service. (This includes removing Boxelder Sanitation District as the provider listed in the current service plan and modifying maps in the service plan to show consistency with the utility plan.)
- The District will need to submit additional financial information necessary to meet the requirements of a utility plan including but not limited to:
  - Complete cost comparison of alternatives
  - Complete capital costs for initial phase of treatment facility
  - Complete O&M cost for the initial phase of the facility

Mr. Doering made a motion to conditionally approve the utility plan with the stated conditions. Mr. Mays seconded the motion and it was approved.

7. **Public Hearing: Plan Amendment East I-25 Sanitation District**

Ms. O'Neill summarized the hearing process. She provided a summary of the proposed amendment and a discussion of the three comments received. The first comment was received from St. Vrain Sanitation District (SVSD). She indicated that with the modified boundary request, which was received from East I-25 Sanitation District (East I-25 SD), seemed to resolve that issue. Ms. O'Neill then stated that the second comment was received from the McRae group which requested that Mead be maintained as the service provider. This issue has not been resolved. She then stated that the third comment was received from the Town of Mead. A technical assistance meeting was held to discuss the comments received by Mead however no resolution to the issues was established. She indicated that since there are two entities (East I-25 SD and the Town of Mead) in conflict regarding the appropriate 208 boundary, the conflict resolution guidance will be used in the hearing. Both East I-25 SD and the Town of Mead will be given 30 minutes for a presentation.

There was then a short break in the hearing to address presentation equipment problems. During this time Mr. Holbrook stated that the Town of Hudson is continuing to work on their utility plan and plans to have a revision submitted for consideration in the near future. Ms. O'Neill gave an update from the March meeting of the Water Quality Control Commission (WQCC). The main item on the agenda was the Rule Making Hearing for the Discharge Permit System Regulations, Regulation 61. All issues with the revisions had been worked out in advance through the workgroup process however; some issue had been tabled and will require statutory changes. These will be addressed at a later hearing.

Ms. Stewart then began the presentation for East I-25 SD in support of their plan amendment. She began by introducing the property owners that were present. She indicated that their process began in 2004 when the property owners were told by the Town of Mead to pursue other options for wastewater service. She indicated that their proposal will provide service to 90% of the East I-25 SD properties with the Phase I line for a cost of \$3 million and utilizes the natural drainage. She indicated that the proposal is consistent with the plan amendment process and has the support of Weld County. She indicated that the proposal is more economical than the Mead proposal and requires only 2,000 sfe to support Phase I. She also indicated that Mead has proposed a northern properties only service however; this proposal is not efficient or feasible and would be at a cost of \$2 million verses \$1.2 million for the northern properties' pro rata share of the phase I improvements and require 40-50 foot deep lines. She stated that none of the East I-25 SD properties have annexed to Mead and therefore would face a tap fee of \$14,000 compared to a tap fee of \$5,250 for the East I-25 SD proposal. Ms. Stewart stated that the new 0.5 MGD Mead plant was never intended to serve the East I-25 SD properties and that the plant can not handle the projected flows from the East I-25 SD properties because the site can not support a plant over 5 MGD. The initial properties within the East I-25 SD are projected to produce 5.3 MGD. She also added that the East I-25 SD proposal is a gravity collection system. She indicated that 30 additional property owners in the area have signed a petition in support of formation of the District which would address the concerns regarding a disjointed service area.

Mr. Burgeson then presented additional information regarding the drainage for the area and the East I-25 SD proposal for service. He also discussed the proposed gravity force main. Mr.

Pribble from the Town of Johnstown provided comments that a force main is preferable to their staff over a lift station for maintenance reasons. Ms. Sandquist provided additional information regarding the proposal. She stated that a 208 boundary does not provide land use control and for this area Weld County is the land use management agency. She indicated that there are a number of reasons in addition to cost that support the East I-25 SD proposal to utilize treatment services from SVSD. Those include water quality, capacity, and long range plans. She also reiterated that both Weld County and the courts have ruled in favor of the establishment of the East I-25 SD. Ms. Stewart then concluded the presentation by reiterating that the East I-25 SD proposal is gravity based, economical, and a regional approach.

Mr. Bendelow then presented information in support of the Town of Mead's objection to the plan amendment proposal. He indicated that the application is invalid because a management agency has not made the request. Mr. Bendelow also discussed the issues with the overlapping service area created by the application. He indicated that the proposal will create overlapping infrastructure and eliminates the purpose of the 208 boundary. He indicated that Mead has made several attempts to resolve the issues without success. He then provided additional information regarding the ability and capacity of the Town to provide service. He indicated that the Town had estimated a cost of \$5.9 million to provide service to the East I-25 SD area and Mead's entire 208 area east of I-25. By comparison, the Town has estimated that in order for the East I-25 SD to receive service from SVSD it would cost \$6.7 million. He also discussed costs for the north properties only service proposal at \$2 million. He stated that cost information provided as part of the utility plan for the Town of Mead had been previously approved by NFRWQPA and the WQCC. He also added that two property owners have requested service from the Town as opposed to the East I-25 SD.

Mr. Bendelow then stated that the Town has prepared estimates of cost for Mead to provide service to the north properties and this would be approximately 63% less expensive than for those properties to get service from SVSD. He then presented additional economic concerns with the proposal. He reiterated that the site application approved for the Town of Mead will provide economical service to the East I-25 SD properties. He also questioned the number of taps required and cost associated with those taps as well as the growth rate proposed by the East I-25 SD and pointed out that there is currently no IGA between East I-25 SD and SVSD. Mr. Bendelow concluded his presentation by reiterating that the Mead proposal has been approved by NFRWQPA, Water Quality Control Division (WQCD), and the WQCC, and that the East I-25 SD proposal would result in a logistical nightmare.

Mr. Hodge then asked for any comments from the public. Seeing none he moved on to questions and comments of the membership. Mr. Burke requested clarification on the existing Mead 208 boundary and the city limits and questioned whether the East I-25 SD had officially been formed. Mr. Hodge indicated that the East I-25 SD does exist and that decision has been appealed. Mr. Bendelow stated that the proposal presented by East I-25 SD today is a change from what has been approved and will need to go back for consideration by Weld County. Ms. Stewart disagreed with Mr. Bendelow and stated that the issue could be handled by a stipulated agreement. There was then additional discussion about the status of the East I-25 SD.

Mr. Doering stated that he disagreed with Mr. Bendelow' previous comments questioning the accuracy of the tap fees and felt the numbers provided by East I-25 SD were accurate. Mr. Doering also questioned Mr. Bendelow' representation that any petitions for exclusion or for annexation had been made by virtue of the letters from the two property owners that Mr. Bendelow referred to in his presentation requesting to be removed from the East I-25 SD. Mr. Bendelow indicated there were letters from the property owners. Mr. Doering then addressed the issue regarding an agreement between East I-25 SD and SVSD and asked the Attorney for the SVSD to provide additional information. Mr. Lyons indicated that an IGA is not yet in place but SVSD has committed to serve East I-25 SD and that the parties are working out the details. Mr. Mays questioned what the out of district costs would be. Mr. Lyons indicated that is one of the details to be worked out. Mr. Holdren then asked whether SVSD was opposed to the East I-25 SD proposal. Ms. O'Neill asked for clarification on whether SVSD was opposed to the revised boundary proposed by East I-25 SD in their revised Exhibit 1. Mr. Doering stated that SVSD was not opposed to that proposal.

Mr. Walker then stated that a 208 boundary is a planning line and land owners should have some say in that line. Mr. Hodge suggested that the question in front of the group is whether to adopt a 208 boundary since the East I-25 SD exists. Mr. Allen stated that what we need to consider is what the best way to serve the area is. He then questioned Mead on how deep the collection system would have to be to provide gravity service. Mr. Wright indicated that they would not want lines to be more than 20 feet deep. Mr. Allen then questioned whether there would be an out of city fee. Mr. Wright indicated that they are working on determining what the out of city would be. Ms. Stewart added that the municipal code indicates a fee of \$14,000 for an out of city tap fee. Mr. Allen then commented that one concern he would have with a long gravity force main is that if there is a break there is no way to stop flows in addition there may also be odor problems with retention.

Mr. Hodge then questioned what decisions are being considered today. Ms. O'Neill stated that there is the potential for decisions on three service area boundary (Mead, SVSD, and East I-25 SD) as well as the other four items that were part of the plan amendment proposal. Mr. Mays questioned whether the court approval of the District automatically provided them a 208 boundary. Ms. O'Neill indicated that our policies do not allow for the automatic establishment of a 208 boundary. Mr. Mays then questioned whether Weld County had requested that SVSD be the treatment provider. Mr. Masden indicated they had not. Mr. Holdren then requested clarification on the 208 boundary and the service boundary. There was also a brief discussion of the service area conflict guidance. Following this brief discussion Mr. Wright made a motion for properties in the southern portion of the proposed East I-25 SD boundary to be included as their own 208 boundary and the northern properties north of the Mead treatment plant remain in Mead's 208 boundary and under study until such time as the cost effectiveness of service can be evaluated. Mr. Mays seconded the motion. Ms. Stewart indicated that the East I-25 SD would object to the motion stating that the numbers have been analyzed and they are required to change the boundary by October. Mr. Masden indicated that Weld County would also be opposed to the motion as it leaves questions about the time frame, who would pay for the costs and who would do the study. Mr. Walker stated that the landowners should have input into what they perceive as the best service. Mr. Andre agreed with the Weld County concerns. Mr. Wright stated that Mead has spent over \$100,000 on their utility plan and determining how to

serve the area. Ms Stewart commented that the Mead utility plan was conditionally approved and requires them to come back once there has been resolution to the East I-25 SD issue. Mr. Hodge then asked for the motion to be stated again and called for a vote. The motion failed.

Ms. Stewart then made a motion to approve the boundary for East I-25 SD as set forth in the revised Exhibit 1 submitted by the East I-25 SD. Mr. Doering seconded the motion. Mr. Holdren requested to see Exhibit 1. Mr. Hodge then called for a vote and the motion was approved. Ms. O'Neill then reviewed the additional decision items for consideration. Mr. Mays made a motion to approve the proposed SVSD boundary which included a revision as the result of the Ft. Lupton boundary expansion. Mr. Masden seconded the motion and it passed. Mr. Doering then made a motion to approve a revised 208 boundary for Mead which removes the area for East I-25 SD that was just approved. Ms. Stewart seconded the motion and the motion passed. Mr. Allen then made a motion to approve the other four remaining items included in the plan amendment proposal from East I-25 SD which were listed in the attachment. Mr. Doering seconded the motion and it passed.

**8. Other Business**

Ms. O'Neill indicated that the WQCD would be holding stakeholder meetings to collect information regarding revisions to Regulation 22. Any comments from the membership can be submitted to Ms. O'Neill to be carried forward.

**9. Adjourn**

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