

MINUTES
NFRWQPA
September 22, 2011

1. Roll Call

The meeting was called to order by Eric Doering at Northern Colorado Water Conservancy District.

Roll was called and the following members were in attendance:

Ed Burke – Brighton	Michael McCrary - Loveland
Jon Mays – Erie	Steve House - Milliken
Earl Smith – Evans	Jason Fowler - Milliken
Carol Webb – Ft. Collins	Judy Billica - NCWCD
Dennis Schump – Greeley	John Holdren - Severance
John Burgeson – Johnstown	Eric Doering – St. Vrain S.D.
Larry Wyeno - Longmont	Chris Bieker – Upper Thompson S.D.
	Mark Thomas – Weld County

Also present were Connie O’Neill, Manager for NFRWQPA; and Warren Mesloh with TEC.

2. Approval of Agenda

Mr. Mays made a motion to approve the agenda as presented. Mr. Holdren seconded the motion and it was approved.

3. Minutes

Minutes from the August 25, 2011 meeting were considered. Mr. Mays made a motion to approve the minutes. Mr. Holdren seconded the motion and it was approved.

4. Financial Report

Financial report for August was presented for review and consideration. Mr. Mays made a motion to approve the August financial report. Mr. Holdren seconded the motion and it was approved.

5. Town of Johnstown Utility Plan Amendment

Ms. O’Neill explained that the Town of Johnstown has submitted a Utility Plan Amendment for review and consideration. The Utility Plan Review Committee evaluated the amendment and has met with representatives from the Town. Ms. O’Neill stated that Mr. Mesloh with TEC and John Burgeson, engineer for the Town of Johnstown, were present at the meeting to represent the Town. Ms. O’Neill stated that the original plan was approved in February 2009. This amendment only covers items that have changed.

Mr. Mesloh stated that currently the plant is rated at 0.75 mgd which is what the current capacity is about at now. He stated that the planning process started in 2009 with Preliminary Effluent Limits (PELs) for an expansion to 1.5 mgd. When they talked to the Colorado Department of Public Health and Environment (CDPHE) they found out they needed to have an antidegradation review done so they submitted another request to the state for PELs and received them this past June. Mr. Mesloh explained the need to address winter temperature issues quickly. It was also determined that expansion to 1.0 mgd will last them 20 years. This will allow for half the flows to be bypassed to the MBBR basins to address the temperature issues and maintain treatment. Mr. Mesloh provided a handout schematic of the new construction. He also reviewed the other items included in the project. Mr. Mesloh explained that they did get a selenium limit in the PELS which is subject to further negotiations with CDPHE. Mr. Mesloh stated that he does not think selenium will be a long term problem for the Town to address.

Mr. House stated that he just received the request regarding the change late last week and has not had a chance to evaluate the proposal yet and the implication on Milliken. Mr. House handed out a map and asked for continuance for the Utility Plan Amendment and the Site Application. Mr. Bieker asked how much time Milliken was asking for and Mr. House suggested until next month’s meeting. Ms. Webb asked what the delay would mean for the Town of Johnstown and Mr. Mesloh stated that they can’t go to the state until they get approval so this would set them back. Mr. Mesloh stated that in 2008 and 2009 the Town of Johnstown sent a letter to Milliken regarding the original Utility Plan and there were no concerns at that time. He felt that current staff is being caught not knowing that a plan already exists. Mr. House stated that he has not had time to familiarize the Town Board with this and they will have questions about the increased flow and water quality. Mr. Smith asked what the concerns are. Mr.

Mesloh stated that they are making process changes to meet effluent limits. He added that they are increasing capacity but it wouldn't jump to that immediately, growth would drive that. Mr. House stated that the Town Board wants to understand what this means. Mr. Mays asked if Johnstown is under enforcement order and Mr. Mesloh stated not yet. However they would like to make some improvements immediately to address temperature issues this winter. Other improvements would take several more months. Mr. Bieker stated that we do not know what is going on between Milliken and Johnstown, all we are concerned with is water quality. Mr. Doering stated that is always difficult when we get pulled into other issues. Mr. Bieker stated that we are not getting enough information from Milliken to explain why they want to hold things up when there is a proposal to improve water quality. Ms. O'Neill stated that she has not received any comments other than from the review agency of Weld County Health and Planning and they have recommended approval. Mr. Holdren made a motion to approve the Utility Plan Amendment. Mr. Bieker seconded the motion and it was approved. This was approved with one no vote from the Town of Milliken.

6. Johnstown Site Application, Expansion

Ms. O'Neill stated that the Town of Johnstown has submitted a Site Application for the expansion of the Central facility. The project will increase the capacity of the facility to 0.99 mgd and will include a partial winter bypass to assist with ammonia treatment in the winter months. Ms. O'Neill explained that this Site Application is supported by the Utility Plan Amendment just considered and approved. Ms. O'Neill explained that she reviewed the application for consistency with the Utility Plan Amendment and that she has no concerns. She stated that it is also consistent with the 208 Plan. Ms. O'Neill stated that Weld County Health was the referral agency and they have recommended for approval. Ms. O'Neill stated that she is also recommending for approval of this expansion application. Mr. House asked for the same consideration to continue the application until the next meeting. Mr. Wyeno made a motion to approve the Site Application Expansion for the Town of Johnstown. Mr. Burke seconded the motion and it was approved. Mr. McCrary stated that Site Application states that they are 91% capacity so the state will make them do something. This was approved with one no vote from the Town of Milliken.

7. NFRWQPA November/December Meeting Date

Mr. Doering explained that the combined November/December Executive Committee meeting will be held on November 21st. Ms. O'Neill explained that NFRWQPA will not meet at the regularly scheduled time in November and December due to the holidays. A combined meeting held on either December 8th or 15th is proposed. Ms. O'Neill explained that on both of the proposed dates the meeting room at NCWCD is available. Ms. O'Neill explained that she will be on vacation the week after Thanksgiving. Therefore, if the December 8th date is selected, the agenda will be posted on November 23rd which means the cut off would be November 18th. If December 15th is selected, the agenda would be posted on December 8th with a cut off on December 2nd. Mr. Smith made a motion to have the NFRWQPA meeting on December 8th. Mr. Holdren seconded the motion and it was approved.

8. 2012 (303)d List

Ms. O'Neill explained that the Water Quality Control Commission (WQCC) will hold a Rule Making Hearing to consider the 2012 303(d) List of Impaired Waters and Monitoring and Evaluation List (Regulation #93) on December 12, 2011. The revised list was included with the notice for this hearing. Ms. O'Neill stated that the attachment is a list of segments in Larimer and Weld Counties that have changes proposed on the 2012 lists. She asked if members had concerns with the proposed changes to the lists and if there is a desire from the member for NFRWQPA to seek party status to the hearing and comment on any of the proposals. Ms. O'Neill stated that the state updates these lists every two years. This hearing is a little earlier than typical because of scheduling changes to accommodate the delay in the nutrient hearing. Ms. O'Neill also explained that there has been discussion this year regarding the aquatic life listings as the new methodology approved in 2010 was used. Ms. Webb stated that another change is the listing methodology regarding how reservoirs are determined to be in attainment with DO standards. Mr. Bieker asked if the Association can request party status as a place holder in

case we want to comment in the future? Ms. O'Neill explained that would be more of a mailing lists status. Ms. Webb agreed and suggested NFRWQPA request mailing list status.

9. Water Pollution Control Revolving Fund

Ms. O'Neill stated that the Water Quality Control Division has proposed changes to the Water Pollution Control Revolving Fund (WPCRF) including Regulation #51 and the prioritization criteria. This could affect the amount of funding available for wastewater treatment facilities. Ms. O'Neill explained that the attachment included a summary of the proposed changes. She explained that the changes would allow for non-point source projects to have a higher priority ranking and thus make it more competitive for the limited funds that have historically been used for WWTF projects.

Ms. O'Neill explained that the WQCD is accepting comments on these proposed regulations through September 30th and there will be a follow up stakeholder meeting on October 12th. The notice will be filed not long after that in preparation for the April 2012 hearing. Ms. O'Neill explained that she has discussed these proposed changes with Amy Woodis from Metro Waste Water Reclamation District. Ms. Woodis was not able to attend today but has provided some written comments and they are included in the list of potential issues on the attachment. Mr. Doering stated that the issues listed represent the membership and that the Association should submit them to the state. Mr. Mays stated that it looks like they are not providing priority to smaller entities which don't have the ability to bond. Mr. Wyeno asked what the states' purpose is and was it being driven by nutrients? Ms. O'Neill stated that the state is trying to balance the program to increase water quality improvement. Ms. O'Neill stated that this is being driven by the goals of the Division and pressure from the EPA. Mr. Mays stated that it doesn't seem like the process is very thought out. Mr. Bieker stated that in looking at the 303(d) list a lot of the problems are non-point source and changes might mean that these are cleaned up which may help the Association in the long run. Mr. Burke stated that the priority should be the biggest contributor to the problem and getting the best bang for your buck. Mr. Doering stated that it seems as though they are robbing one pot of money to help fund another and this is not the solution. It was determined that comments would be submitted to the state. The comments would include those provided in the hand out along with the issue of pulling money from wastewater treatment plants to pay for non-point source issues.

10. Other Business:

a. Water Quality Control Commission:

Ms. O'Neill stated that the WQCD did not have a regular meeting in September, they held their annual retreat.

b. Water Quality Forum & Workgroups:

Ms. O'Neill stated that the Water Quality Forum met on September 14th. Highlights included a presentation from the WQCD regarding the WPCRF changes and an update from the WQCD regarding the new Executive Director and their current strategic planning process. Ms. O'Neill stated that they mentioned that the WQCD is really going to have to prioritize. Also the budget is still an ongoing issue. The WQCD did not lose general funds over the last couple years as many other divisions did and they are hoping that holds but they are required to plan for cuts that could happen. They would probably look at cutting whole programs if needed. Ms. O'Neill stated that there will be more detail on the strategic plan at the November meeting.

Nutrient Workgroup:

Ms. O'Neill stated that the next draft of Regulation #85 and #31 is due out September 30th. The next workgroup meeting will be on Monday, September 26th to discuss the cost / benefit study. There is also a workgroup meeting scheduled for October 12th. At this meeting there will be a discussion of the new drafts. There is also a technical subgroup meeting scheduled for September 21st. Ms. O'Neill stated that any proposals for the rule making hearing will be due to the WQCC office on October 17th. The notice for the hearing will then be considered by the WQCC at their November meeting.

Cost Benefit Study:

Ms. O'Neill stated that the draft study has been posted. She stated that the project summary shows a benefit to cost ration for each of the manageable units. Ms. O'Neill provided a hand out with the first page showing the numbers for each manageable unit in the Platte Basin and the second page showing the aggregated costs and benefits for all the basins. Ms. O'Neill explained that for Tier 1 in the Platte Basin the cost are in excess of the benefits but the ratio is fairly close. Some of the other basins show the benefits outweighing the costs. For Tier 2 and Tier 3 costs almost always outweigh benefits. Ms. O'Neill explained that she will check the information used for our area and compare it to the information we have in the 2011 Update and provide comments to the CDM. Ms. O'Neill stated that the final document should be posted on October 21st.

Colorado Nutrient Coalition (CNC):

Ms. O'Neill explained that CNC held a conference call on September 9th. During that call it was determined that the CNC would send a letter to the WQCD that outlined the issues we would like to have discussed at the technical subgroup meeting. They would also send a short letter to the WQCD regarding EPA's comments on the draft regulations. In addition, a short letter would be sent to CDM on the cost/benefit study regarding a couple of general issues. There was also considerable discussion about a draft letter that the consultants had prepared but it was decided that any additional comments to the WQCD would be held until the next draft of Regulation #85 and 31 is provided. Ms. O'Neill stated that there are some people that feel EPA's comment asking for sufficient time to review the information was basically asking the WQCD to delay the hearing.

Ms. O'Neill also stated that she received emails regarding proposals from Tad Foster, John Hall and from Tim Moore for the next steps of the CNC. Mr. Foster and Hall's proposal includes comments on the technical issues, an alternative approach for Direct Use Water Supply reservoirs and comments on the cost/benefit study. It also includes follow up that would happen after the next draft of Regulations #85 & 31 are presented. This proposal assumes that these drafts will not be acceptable and includes comments to the WQCD, a meeting with the WQCD on mediation, requesting a delay, possible alternative proposals, and possible request for legislative action. Mr. Moore's proposal is for a response to the WQCD regarding the credibility of the scientific approach. The City of Pueblo is funding an initial review but an in depth review would be at the cost of the CNC.

Ms. O'Neill stated that she is not in favor of committing to either of these proposals until we have seen the next draft of the regulations. Ms. O'Neill asked the member for their opinion of what NFRWQPA should do and stated that her sense is that there are going to be a number of CNC members that are not satisfied with the WQCD new draft. As such, they will want to have CNC pursue the issues. She stated that she thinks it will be necessary for NFRWQPA to make a decision early in October whether the Association is satisfied with the proposals or whether we would want CNC to pursue additional issues. She stated that she thinks the Association needs to move quickly because CNC members will want Mr. Foster and Mr. Hall to put together an alternative proposal. Mr. Schump stated that since the Association has already invested in this, and he thinks the program is going in right direction, we should appropriate an additional \$5,000 contribution. He stated that Greeley thinks the Association should continue to support CNC. Mr. Bieker stated that he keeps hearing the science is not acceptable and maybe that is worth fighting. Ms. Webb stated that she thinks we need to wait till the next draft of the regulation comes out. Ms. O'Neill explained the timing issues associated with waiting on the next draft. Ms. O'Neill suggested that the Association have a subcommittee meeting. Mr. Doering agreed with Ms. Webb that we should not comment until we see a draft. Mr. Schump stated that that he is relying on input from experts in the area and they are supporting the CNC. Mr. McCrary stated that he would not vote to provide more funding to CNC until he saw the draft.

It was determined that a subcommittee meeting would be held to discuss the NFRWQPA position on the draft regulations and provide feedback to CNC. Ms. Webb stated that it would be nice if we could get a mix of different size entities to participate in the subcommittee meeting. Mr. McCrary stated it would be nice to know what CNC issues are. Ms. Webb made a motion to give the subcommittee authority to

contribute an additional \$5,000 to CNC based on the review of the revised draft of the regulation. Mr. Holdren seconded the motion and it was approved.

Policy 96-1 Workgroup:

Ms. O'Neill stated that the workgroup has decided to start over with a new revised draft policy. They have established subgroups to work on the draft. These subgroups are divided by subject. Ms. O'Neill stated that she sent out an email to our membership with the information on the subgroups.

ISDS Workgroup:

Ms. O'Neill stated that this group has been inactive for a number of months but is now moving forward. There is a meeting scheduled in October to look at proposed changes to the existing guidelines.

Reg #84 Workgroup:

Ms. O'Neill stated that the next workgroup meeting is scheduled for October 13th.

Permits Issues Workgroup:

Ms. O'Neill stated that the workgroup met on August 30th. There was further discussion on reasonable potential with additional discuss on this in October. The group also discussed tiered permit limits. Ms. O'Neill explained that there will be a subgroup set up for those who are interested in trying this out. The next meeting is scheduled for October 3rd.

c. RMWEA Conference Update:

Ms. O'Neill stated that the annual education conference was held in Loveland this week. There were good presentations and the most interesting were those on nutrients. There was a presentation from the Division on the proposed nutrient regulations. There was also a presentation from CDM on the cost/benefit study. Both of these presentations had a very large attendance. Metro indicated that the cost benefit information summary in the CMD report seemed to agree with their findings when they did an individual cost benefit study for the District.

13. Adjourn

There being no further business the meeting was adjourned.