

**MINUTES**  
**NFRWQPA September 27, 2007 Meeting**

**1. Roll Call**

The meeting was called to order at 3:01 p.m. by Chair, Ed Schemm at the Northern Colorado Water Conservancy District offices. Roll was called and the following members were in attendance:

Tony Huerta – Berthoud	Cindy Titus – Lochbuie
Randy Siddens – Boxelder SD.	Steve Adams - Loveland
Fred Walker – Boxelder SD	David Allen - Northglenn
Ed Burke - Brighton	Eric Doering – Saint Vrain SD
Anthony Tuka – Broomfield	John Holdren - Severance
Jon Mays – Erie	Val Leiker – South Fort Collins SD
Carol Webb - Ft. Collins	John Jordan - Timnath
Claude Hanes – Ft. Lupton	Jeff Hodge – Upper Thompson SD
Dennis Schump – Greeley	Doug Rademacher – Weld County
Glen Gibson – Larimer County	Wayne Ramey – Weld County Tri-Area SD
Ed Schemm – Larimer County	Dennis Wagner – Windsor

Also present were Connie O’Neill, Manager for the Association, John Faulkner, Pat Mathena, Jim Martell, Fred Boekel, Rich Dvorak, Cary Pilon, Doug Camrud, Sally Kline, Hosein Naaseh, and Shauna Dietel.

**2. Minutes**

Minutes of the July 26, 2007 meeting were considered. Mr. Mays made a motion to approve the minutes. Mr. Hodge seconded the motion and it passed.

**3. Financial Report**

Ms. O’Neill summarized the July and August financial reports. Mr. Rademacher made a motion to approve the financial reports. Mr. Ramey seconded the motion and it passed.

**4. Decision Item: Site Application Amendments – City of Northglenn**

Ms. O’Neill introduced the application which consists of three potential sites for chemical feed into the wastewater system with the goal of reducing odors at the plant. In order to expedite the process the City is going ahead with all three sites but is waiting on the final recommendations from the consultant before deciding which site(s) they will use. Ms. O’Neill indicated that the policy allows for staff approval of an amendment if the applicant has an approved utility plan. Northglenn does have an approved utility plan which includes a discussion of chemical addition for odor control however; the sites that are being considered were not part of the discussion.

Mr. Allen stated that the City started getting odor complaints in 2006. After making some operational changes they did not receive many complaints during winter, however in May 2007 the complaints resumed. The City then hired a consultant who determined that the odor is the result of long detention times of force main. The City’s strategy to address the issue was to conduct a full scale pilot study required an amendment to the site application. Mr. Allen indicated that the City is considering three different approaches as part of the study. Mr. Schemm asked if all the sites were within the City. Mr. Allen indicated that they were. Ms. O’Neill indicated that the amendment applications have also been sent to Weld County and Tri-County Environmental Health Departments and DRCOG. Mr. Ramey made a motion to recommend for approval of the amendment. Mr. Mayes seconded motion and it was approved.

**5. Decision Item: Site Application – Wild Teal Improvements LLC, Timnath Reservoir Lift Station**

Ms. O’Neill introduced the item and asked that people introduce themselves before speaking for this agenda item to assist the court recorder that was present. She then summarized the site application and stated that this lift station was previously considered and approved by the NFRWQPA in September of 2005 as the Teal Creek lift station. That station was never constructed and a new location for the station has now been selected. Ms. O’Neill stated that in May 2007 the NFRWQPA Executive Committee met with the Boxelder Sanitation District to discuss their long range plans for service to this area. This meeting was called by the Executive Committee

to express their concerns regarding the uncertainty in the area about the best approach for service. Those concerns include: concerns voiced to the Association from the public; a request to consider a new site application for the Teal Creek lift station in a different location than previously planned; the potential for a new treatment plant north of Severance; and capacity and treatment challenges facing the Boxelder treatment plant. During the meeting it was determined that without a long range plan for the area in question, service proposals such as the site application for the Teal Creek lift station (now referred to as the Timnath Reservoir lift station) could not be properly evaluated. At the meeting the District agreed to provide the NFRWQPA a mini utility plan (similar in scope to a 201 Facility Plan) for the Teal Creek lift station which could be reviewed by the Utility Plan Review Committee prior to the submittal of a site application for the lift station. Ms O'Neill indicated that Boxelder Sanitation District had only recently submitted that mini utility plan to NFRWQPA and therefore the Committee has not yet had an opportunity to review the plan with the District. In addition, the NFRWQPA has received one public comment regarding the proposed location of the lift station.

Ms. O'Neill indicated that the Executive Committee called the meeting with Boxelder and made the special request for a mini utility plan because they felt there were enough issues and the issues were significant enough to warrant that type of request. She indicated that these types of meeting are not routine. She indicated that it was the intent of the Executive Committee that the plan they requested would be reviewed by the Utility Plan Review Committee prior to a site application being considered. She indicated that this has not happen because both the mini Utility Plan and the site application were submitted on the same day, and the applicants requested that the site application be placed on the meeting agenda even though the Utility Plan Review Committee had not yet reviewed the Utility Plan yet. She also indicated that a Utility Plan review meeting has been scheduled with Boxelder Sanitation District for October 10, 2007. She stated that she felt that it would be premature for the NFRWQPA to consider this application at this time. She reiterated that the District agreed to provide NFRWQPA with a "mini utility plan" which they have done and that document should provide the supporting information for this lift station application as well as an overall plan for service to the area. She indicated that she felt it was appropriate to give the Utility Plan Review Committee the opportunity to review that document and provide feed back to the District and the Association on the overall plan.

Ms. O'Neill then indicated that Boxelder Sanitation District had also sent out a letter to the NFRWQPA regarding this agenda item. In that letter the District voices their support for the lift station application. They also state their disagreement of some of the language that was used in the agenda. However they did agree with the fact that the District agreed to provide a mini utility plan which they have done. Ms. O'Neill then stated that if there is a decision to consider the application today, two mistakes will need to be corrected in the engineering packet. The first is on page 1 which lists Larimer County instead of Weld County. The second is on page 7 which states LCR 44 and should be either Drake Road or LCR 42.

Mr. Martell stated that the application has been in the works for some time and that the previous site was a preliminary site at that time. He indicated that the applicants entered into agreement with Boxelder in July 2003 to provide service for the members of Wild Teal Group LLC. At that time it was anticipated that Teal Creek subdivision would be developed first and therefore an interim lift station was proposed. It now appears that Wild Wing will develop first. As a result the ultimate site is now being requested. Mr. Martell stated that this application is consistent with the 208 plans and consistent with the comprehensive land use plan for this area with the Boxelder agreement. He indicated that it is the lowest point so it is the only place for this particular lift station to be located. He also indicated that the application is consistent with the utility plan from Boxelder that has been submitted to you for review. He stated that there have been discussions about gravity lines and regardless of those decisions a pump station will still be needed. He also requested clarification of what the issues are and why the Utility Plan was requested. He indicated that the applicants had requested that a court recorder be present because they anticipated that the 60 days review period will expire before the Utility Plan is considered and therefore it may be necessary for the applicant to proceed to the state without a NFRWQPA recommendation.

Mr. Dvorak, Engineer for the applicant, stated that he agreed with the two mistakes in the packet pointed out earlier. Mr. Schemm asked why they are not extending the gravity line to the east which

would open up the area for a lot of use. Mr. Dvorak said that this point they do not have the land owner participation in the line to allow for that. Ms. O'Neill added that the Boxelder Utility Plans shows that eventually the gravity line will go all the way to James Lake and all the force main lines will be replaced. Ms. O'Neill asked about emergency storage capacity of 1.3 hours. Mr. Dvorak said the wet well will have to be expanded but berming would cause a stormwater issue. He indicated that there will be an emergency generator on site.

Mr. Adams asked a question regarding page 51, section 5.0, regarding connection between the lift station and the lowest point or will there be one in the future. Mr. Dvorak indicated there would not be. Mr. Adams then asked if there were an overflow, where would the flow go. Mr. Dvorak indicated that there is a hill so an overflow would be confined to the area. Mr. Burke asked how deep the lift station would be. Mr. Dvorak indicated it would be 27 feet deep with a dry pit control room and aeration in the wet well. Mr. Ramey asked about capacity in the plant and what the plan is to ensure that there is capacity to handle the lift station. Mr. Walker indicated that the District is a debt free growing organization. There will need to be a long term plan rate increases to accommodate the building of our plant for ammonia and nutrient removal. Mr. Ramey asked when they would be able to accept the lift station capacity. Mr. Walker answered that they could accept the flows immediately at 300,000 gallons. Mr. Ramey asked what about other taps. Mr. Siddens said that by the time the 1,200 come on line we will have expanded our plant. Mr. Hodge pointed out issues with odor control and stated that he felt that this belonged back in the Utility Plan committee. Mr. Walker stated that when the intermediate station was approved it was approved administratively, it did not come before this board. Mr. Schemm stated that he felt the original lift station came through the board, but would check the minutes to make sure.

Mr. Adams asked whether the District had agreed to submit the Utility Plan as indicated in the June 21, 2007 letter from NFRWQPA. Mr. Walker indicated that they had, however they disagreed on the sequence outlined. Mr. Adams then asked why there is such a hurry to consider the application. Mr. Walker indicated that the amount of time already spent on this issue could have allowed it to be addressed directly. He indicated that Boxelder is trying to serve the people in a timely manner. Mr. Schemm stated that the NFRWQPA is serving the people and it is our responsibility to review the plans. He stated that the Utility Plan should answer a lot of the questions that we have and protect the public. Mr. Boekel stated that the developers thought that this application was an administrative change. He indicated that timing is important to them. They have felt that they are caught in a fight between NFRWQPA and Boxelder Sanitation District.

Ms. Webb asked about the change in capacity for the lift station. Mr. Dvorak answered that it was doubled. Mr. Martel submitted the agreement with Boxelder along with copies of sections from three Water Quality Management Plans that refer to the lift station. Mr. Ramey stated that a Utility Plan should provide the answers for the types of questions that come up in the planning process. Mr. Martel asked why a Utility Plan was not necessary with the original application. Mr. Ramey stated that capacity is one of the issues. Mr. Hodges stated that a lot of regulations have had changes over the last couple of years. Mr. Ramey stated that it is not the intent to drag out the process but we need to have adequate time to review.

Mr. Naaseh, homeowner north of the proposed site for the lift station, voiced his concern regarding the location of the lift station across from his property. He indicated that it seems the developers want the lift station on the Weld County side to increase the value of property in Larimer County and allow expansion on the Weld County side. From his point of view, the developers should support the lift station in their own neighborhood. Mr. Schemm asked if he had expressed his concerns to Weld

County. Mr. Naaseh said Weld County did not hold any hearing for him to speak at, however they are aware of his complaint. Mr. Boekel said the property where the lift station will be located will also be developed and the location is the lowest point. He indicated that he would be happy to work with Mr. Naaseh to make the lift station site the least intrusive. Mr. Schemm stated that there is not much the NFRWQPA can do about the land use question. Mr. Naaseh said the State has said their approval will be technical. Mr. Pilon stated that the CDPHE has a 30 day comment period after an application is approved for comments. In addition, the state also has set back requirements. Mr. Pilon also stated that some of the calculations in the application packet are not correct. He also recognized that the estimated flows are not instantaneous and would ask for a timeline for estimated flows. In addition, the District's treatment plant is satisfactory for permit limit requirements.

Mr. Mayes asked if the lift station would only serve developments or the whole basin. Mr. Walker stated the station is being designed to serve 1,200 homes. Mr. Mayes then asked about a financial hardship should the item be tabled for a month. Mr. Walker stated not for the District. Mr. Boekel stated there would be for the Developers and even more so if it were to extend past 30 days. Mr. Ramey made a motion to approve the site application contingent on the Utility Plan Review Committee approving the Boxelder Utility Plan at the October 10, 2007 meeting. Mr. Holdren seconded the motion. Mr. Schemm voiced his concern with the process.

Mr. Doering asked if the motion was consistent the rules and regulations of NFRWQPA. Mr. Siddens stated that he felt it was not. Mr. Walker asked what would happened if the plan is not approved by October 10, 2007. Ms. O'Neill stated that after 60 days if the Developers do not have a decision on the site application, they have the opportunity to go to the State and NFRWQPA would have 7 days for comments. She indicated that normally the Utility Plan Committee does not approve the application. Typically that would come back to the Association for review. She stated that she did not think the motion on the table allows for that process. Mr. Schemm indicated that he could not support the motion. Mr. Ramey withdrew his motion and the second agreed. Mr. Doering made a motion to table until October meeting. Mr. Allen seconded the motion. Mr. Doering stated that a motion to table is not debatable. Mr. Schemm then called for a vote of the motion. The motion passed by a vote of 16 to 3. Mr. Walker stated if there were any questions they could be directed to Boxelder District.

6. **Decision Item: November / December Meeting Date:**

Mr. Schemm announced that due to the holidays NFRWQPA will need to select an alternate meeting time for the November and December meetings. A combined meeting was suggested for December 13, 2007. Mr. Ramey made a motion to combine the two meetings and hold that meeting on December 13, 2007. Mr. Doering seconded the motion and it was approved.

7. **2007 Update 208 Plan**

Ms. O'Neill announced that she is still collecting information for the 2007 Update. If you have not submitted information please do so as soon as possible. Draft changes will be posted mid October which will allow for a public hearing to consider the changes in January 2008.

8. **Other Business**

A. **Water Quality Control Commission**

They did not have a meeting in September, they had their retreat instead. They did provide a ruling on the Adjudicatory Hearing held in August which considered an appeal of the Mead Site application by the organizers of the E-I25 District. The WQCC ruled in favor of the Division and upheld the approval of the site application. Let me know if you want more information on this.

B. **Poudre Monitoring Committee**

The Committee is planning a ceremony to celebrate the signing of the Cache la Poudre Water Quality Monitoring Agreement. The celebration will start at 1:30pm on October 19, 2007 at the Poudre

Learning Center at 8318 F. Street in Greeley. Members of the Association are invited. A map of the Learning Center can be found at <http://esci.unco.edu/water/poudre/poudre.htm>. Ed said it was a good effort of CDPHE cooperating, they will reduce their monitoring.

**C. Regulation 61 workgroup update.**

Ms. Webb provided an update of the workgroup meetings. She stated that the group has been meeting since August 2006. The group started with over 40 issues identified and have been able to work through all but a few of those issues. In addition, some issues will require changes to statutes. The regulation is scheduled for a March 2008 Rule Making Hearing. More information on the workgroup is available on the Water Quality Forum website.

**D. Introduced the CDPHE District engineers**

The CDPHE District Engineers, Cary Pilon and Doug Camrud were introduced. They represent both Weld and Larimer Counties.

**E. WC Tri-Area Update**

Mr. Ramey provided an updated on the status of the proposed consolidation of Weld County Tri-Area Sanitation District and St. Vrain Sanitation District.

**9. Adjourn**

There being no further business, the meeting was adjourned at 4:52 p.m.