

Barr Lake/Milton Reservoir Watershed Association

BMW Board Meeting
January 27, 2009 - 9:00am – 12:00pm
Metro Wastewater Reclamation District, Administration Building

MINUTES

Board Attendance:

Laurie Rink – FRICO

Michelle Seubert - State Parks

Christine Hethcock - Pelican Lake

Dennis Stowe (L/E)

Alice Wood – Integral Consulting, Inc.

Kelly DiNatale – United

Vic Lucero – Thornton

Jill Piatt-Kemper - Aurora

Kipp Scott – ECCV

Michelle Ryerson - Metro

Blair Corning – S. Adams Co.

Sarah Reeves – SPCURE

Steve Lundt – Metro

George – Integral Consulting, Inc.

Chris Piper – Denver Water

Public Attendance:

Meeting Objectives

- Committee Updates and Action Items
- Plan Next Board Retreat
- Finalize Modeling Workshop #4
- Go over Loading Memo from ENSR

1. Opening

Attendance sheet was passed around along with the in-kind hours log book. Minutes from 11/25/08 were not handed out so Steve Lund promised to e-mail them to the board for comments.

2. Updates and Action Items

Nutrient Goal Statement – Dennis S. did hand out a goal statement. It read, “Conduct and coordinate water quality monitoring and modeling activities, where practical, to support the development of nutrient (phosphorus and/or nitrogen) criteria in the future”. Alice W. suggested adding the “/or” between “phosphorus” and “nitrogen” and the board agreed. The board then decided it was appropriate to update the goals, mission, vision, and objectives at the upcoming board retreat and that this new goal statement should be an organizational goal. The new goal statement presumes that the BMW group will be an ongoing group after the pH TMDL is developed.

Contract Updates – Integral’s contract has \$26,715 remaining. Integral’s contract ends February 28th, and they will prepare a scope of work by early February. Integral will scope their new coordination contract in two ways: (1) leftover money from current contract will be rolled over to new contract for updating water quality database, and (2) The left over money will not be a part of the new proposal. ENSR’s contract has \$21K left and should finish on target.

Treasurer's Report: Have \$47,110 in the bank. Money will be coming in from the State's NPS grant shortly for \$95,807.

3. Committee Updates

Technical Committee: Steve Lundt gave the update. Steve talked about the recent loading memo from Ken Wagner. He went over the memo and the summary table. There is some concern about the use of Denver area lakes to establish numbers for Barr and Milton but the point to include Denver area data is to just provide a reference and possible filling in of the unknown areas where the water has less nutrients. Laurie Rink wanted to know how the numbers compared to the recently used conditional probability method used by other states. The board agreed to send the draft memo out as is for comments and that it would also be a part of the draft modeling report. It would be nice if instead of various versions on how to get to a number or large ranges, that Ken Wagner would recommend one number for phosphorus and chl-a in order to satisfy the pH standard. With such large uncertainty with the regression analysis, it is hard to pick a number. Steve Lundt stated again that Metro is moving forward with the plans to treat to 1.0 mg/L of TP and anything less is just not a part of Metro's near-term plans. The board agreed to discuss this document at the March Board meeting once all the comments are back in. Then there was discussion about how this memo applies to the pH TMDL. With the large uncertainty, it makes sense to do a phased or adaptive TMDL process where you do the TMDL in an iterative approach since there is so much unknown. Steve stated that the state does not like that but does agree to a phased implementation approach to implementing the TMDL plan.

Information/Education: Jill Piatt Kemper and Michelle Seubert gave the update. Lake Appreciation Day at Barr will be July 18th and the state parks has selected Barr and this date to be a part of their 50th anniversary celebration for this summer. Michelle will apply for the grant from Adams County Open Space again to help put on the event. The goal is to have 450 volunteers participate in the shoreline clean up. FRICO has already agreed to provide a free lunch for the volunteers. On April 18th, the Barr Lake State Park volunteers, visitors, and staff will be planting cottonwood seedlings at Barr Lake to celebrate the reservoir's birthday. George, intern with Integral, put together the most recent newsletter. Chris Piper agreed to have Denver Water print the newsletter and have it ready for the February stakeholder meeting.

Budget Committee: Kipp Scott gave the update. The budget committee recommends changing the date of the board retreat from Feb. 2nd to May 5th and focusing it on sustainability. The committee has applied for a \$5,000 mini NPS grant to pay Integral to run the retreat. The committee stated that the Division has shorted the NPS grant by a year so 1 year less of dues will be available to serve as match for the grant, but the grant amount of \$301K is the same. So the committee has asked the state for more non-competitive grant money (\$180,000) to contract the remaining work to complete the products in a shorter amount of time. This money will have to be spent by 2010 so it is more money in the same amount of time. Another letter and PIP will need to be written. It will take about 3-4 months to complete this amendment to our existing contract. The board voted unanimously to try for this extra \$180,000 from the state.

The board picked the morning of May 5th, 2009 to have the retreat. The Metro board room is available for that day but it was suggested that it would be good to have it at a new place to

freshen it up. Kipp S. mentioned that there is a chance to get a State mini 319 grant to pay for a facilitator.

Watershed Plan Committee: Steve Lundt and Alice Wood gave the update. Alice Wood passed around the printed Executive Summary. This version includes a new discharger list by classification and whether it is in or near the watershed. There were a few errors on the list so the list will need to be updated. A couple of other spelling errors were noticed so Alice will update the executive summary for the next round of printing. For those entities that will be outside of the watershed and get a special mailing, they will be added to the list and new summaries will be printed just for them. The plan is to mail them with a cover letter, and a workshop agenda.

5. Discuss ENSR's Modeling Workshop #4

The draft agenda was passed around and then it was finalized. The workshop will be held at the Thornton drinking water facility.

5. New Business/Topics

Vic Lucero updated the board about the proposed 5.0 ug/L chl-a standard being proposed by the cities for Standley Lake. Jean Marie Boyer did the work using WARMF model.

Laurie Rink stated that Cherry Creek Reservoir is having their control regulation updated in March of 2009. The Cherry Creek Authority is proposing an increase in chl-a to 25 ug/L and change the TMAL from a load to an inflow concentration.

Kipp Scott gave an update to the Board about a recent permit application that ECCV is doing for an industrial groundwater discharge permit into the Beebe seep to get rid of the reverse osmosis (R.O.) brine. The permit approach was controversial with the downstream farmers who use the ditch. The farmers' concern was that TDS would go up. Kipp stated that the permit calls for the R.O. brine to be blended with augmentation water from Barr Lake to dilute the TDS back to background levels. There are a number of facts/specifics that Kipp discussed, including:

- Farmers will see more water in the ditch as a result of this discharge.
- Since the discharge to the surface will seep into the groundwater it is a groundwater discharge permit and not an NPDES permit.
- The R.O. brine mix cannot reach Milton via groundwater
- The augmentation water coming from Barr is about 6,000 acre-feet, the TDS values for Barr average about 400, Lochbuie about 800, and Bowles about 1,200 (which is the limit for watering cattle),
- Running of the new R.O. plant will be seasonal (March to October, peak season),
- This permit is a transition strategy until they figure out how to do it with zero discharge or figure out a way to deep well inject the brine
- The 10 MGD max R.O plant will be built in 2011 and discharge will begin in 2011.

The board suggested that Kipp do a topics talk at the April stakeholders meeting about this approach.

6. Next Meeting

Next board meeting will be March 24, 2009 from 9am to noon at Metro.

Next Stakeholder meeting will be April 28, 2009, from 9am to noon at Brighton Rec. Center.

Barr Lake/Milton Reservoir Watershed Association

BMW Special Board Meeting
February 18, 2009 - 9:00am – 12:00pm
Metro Wastewater Reclamation District, Administration Building

MINUTES

Board Attendance:

Laurie Rink – FRICO

Dennis Stowe (L/E)

Darcie Garland-Renn – Integral Consulting, Inc.

Kelly DiNatale – United

Amy Woodis – Metro

Kipp Scott – ECCV

Blair Corning – S. Adams Co.

Sarah Reeves – SPCURE

Steve Lundt – Metro

Linda Boyle - Aurora

Public Attendance:

Meeting Objectives

- Talk about the CDPHE's proposed Temporary Modification for pH std for Barr and Milton

1. Discussed Temporary Modification

The group went over the Temporary Modification (temp mod) proposal and Laurie Rink read over the three different types. The proposed temp mod has a deadline of 2014, which Sarah Reeves stated is like a false deadline. For a type iii, the pH std. still exists, both reservoirs still remain on the 303(d) list, and NPDES permits will not be impacted because no one directly discharges to Barr or Milton.

Amy Woodis stated that Metro's permit is up for renewal in 2013 but to actually get the new permit could take longer. Dennis Stowe stated that L/E still doesn't have their renewed permit. He stated this temp mod takes pressure off of the permit side for CDPHE but still allows for the TMDL process to continue. Basically this temp mod buys CDPHE time, not us.

Laurie Rink then stated FRICO's fear about this temp mod. 1. 2010 TMDL and implementation plan will happen, 2. should get approved say by 2012, 3. Temp mod expires at the end of 2014, 4. Metro's 2013 permit will get renewed, 5. Then the next Metro permit will be in 2018 to include phosphorus, 6. Then there is a 5 yr compliance schedule and that means phosphorus will not be reduced from Metro until at least 2023 which is too long of a process.

Dennis Stowe stated that compliance schedules can be longer than 5 years but does not see this temp mod as changing any schedule for the major wwtp. Steve Lundt and Amy Woodis both stated that the physical ability to construct tertiary treatment will determine when phosphorus will be reduced, not the regulatory or permit schedules. Metro's long term capital improvement

plan has phosphorus in there but Metro has to first build and comply with denitrification and then Metro will design and build for phosphorus removal. Sarah Reeves stated that a TMDL can allow the State to reopen an NPDES permit at anytime so the schedule could be sooner than 2018 for Metro.

Laurie Rink asked what tools does this temp mod prevent the state from using? Basically why even do a temp mod. Dennis Stowe talked about making discharges have a TP limit in their permits before a TMDL is done or a TP std is put in place. Dennis also said that it avoids artificial low standards. The state is between a rock and a hard place and they are trying to buy time. This temp mod does not take any regulatory hammers away and does not change the current schedule or process. So Laurie Rink asked if it doesn't change anything, then why do it?

The group all agreed that this decision should have been run by the BMW association first to present this idea. Amy Woodis stated that the group needs to pick their battles with the Commission and this one is not a big one. Laurie Rink said that it is not good if different entities go off on their own to support or not support this. Kelly DiNatale said that he needs to see the letter from Sarah Johnson on her reasoning to find out why this temp mod was proposed.

Sarah Reeves agreed with Kelly and said that we all need to look at the letter and then figure out a plan for a statement of some kind.

Sarah Reeves asked why type iii and not type i. The reason is that the current pH std is questionable whether or not it is appropriate. Type i implies that the std is correct.

The schedule is that all proposal need to be in by 3/24/09, ask for party status by 3/31/09, and responses are due 4/28/09. Mailing status means that you just get all the information but no party status. Blair Corning thought that the BMW group should not say anything and just not pick a side on this topic of a temp mod. Dennis Stowe thought that even if the board is neutral, a letter should be sent that states we are sticking with our plan. Need to decide if this helps the Division and if it does, it might help with things in the future with the Division.

Darcie will ask Tammy Allan where Sarah's letter is. The board then decided to make a party status decision at the 3/24/09 board meeting.

Contract update:

AECOM is requesting additional \$16K to finish the modeling project. Laurie Rink is displeased with this because AECOM kept saying they would make it work and then they surprise us with this request. Kipp Scott said that they should have been upfront and told us this a year ago instead of trying to make it work and then ask for more money at the very end. We need a guarantee that this is it for extra money, the \$16K needs to cover all the comments for the report and get us a final version. There will be one set of comments that Darcie will organize coming from BMW for the modeling report. We will work on conflicting comments and redundant statements.

5. Discuss ENSR's Modeling Workshop #4

5. New Business/Topics

6. Next Meeting

Next board meeting will be March 24, 2009 from 9am to noon at Metro.

Next Stakeholder meeting will be April 28, 2009, from 9am to noon at Brighton Rec. Center.

Barr Lake/Milton Reservoir Watershed Association

BMW Special Board Meeting
April 6, 2009 - 9:00am – 12:00pm
Metro Wastewater Reclamation District, Administration Building

MINUTES

Board Attendance:

Michelle Seubert - State Parks

Joan Chevez - Thornton

Dennis Stowe (L/E)

Mike Ruby – Integral Consulting, Inc.

Kelly DiNatale – United

Vic Lucero – Thornton

Linda Boyle - Aurora

Kipp Scott – ECCV

Michelle Ryerson - Metro

Blair Corning – S. Adams Co.

Sarah Reeves – SPCURE

Steve Lundt – Metro

Darcie Garland-Renn – Integral Consulting, Inc.

Chris Piper – Denver Water

Lisa Nelson – facilitator Integral

Laurie Rink – FRICO

Amy Woodis – Metro

Joni Nuttle – CDPHE

Sarah Johnson – CDPHE

Tammy Allan – CDPHE

Greg - CDPHE

Public Attendance:

Meeting Objectives

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| <ul style="list-style-type: none"> ○ Speak with Sarah Johnson and the Division about the reason for Temp Mod | <ul style="list-style-type: none"> ○ Come to consensus about the Temp Mod. |
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1. Opening

Introductions were the first thing that happened since there were many new faces. Laurie Rink started off the meeting first by thanking everyone for making it to the meeting on such notice, especially the CDPHE staff. Laurie then went over the history of what has happened over the past few months in dealing with this temp mod proposal from the state. The BMW group did file for party status on March 26 so that they could properly be a part of the rule making process. The reason the pull this meeting together was to ask question about the temp mod to the state staff.

2. Facilitation

Mike Ruby, a facilitator from Integral, then went over the schedule of events for the next couple of months, April 28th prehearing responses are due, May 19 rebuttals are due, May 26 are conferences with parties, and then the rule making hearing is on June 8th and 9th.

Mike then asked the group to state what the goals should be for the meeting. The goal of the meeting is to have the board develop a consensus opinion regarding the proposed temp mod. Mike stated that his feel from the group is that it is optimistic and that the board should achieve

this goal by the end of the meeting. People seem to be open minded and willing to work things out. Mike stated that folks need to be fully transparent and put all their information on the table. The only ground rule Mike stated was that people be respectful. Finally, Mike introduced Lisa Nelson and she stated that she is another facilitator and will help out with the process.

2. Sarah Johnson Explanation

Sarah explained to the group what a temp mod is in Colorado and the three different types. She said that this idea for a temp mod for pH on the reservoirs came to her in mid January and it was a way to clarify the next steps for the BMW group to get to a finished pH TMDL. The advantage of a temp mod type iii is that it allows for discharge permit holders to move through the TMDL process faster without the fear of having TP limits placed in their next updated permit before the entire process has been completed. The state has seen dischargers drag their feet to finalize a TMDL because they were not ready for new limits in their permit. So the end result was a long and drawn out process. This a temp mod in place, the TP limit will not be able to go into a permit until the temp mod expires. This gives dischargers the freedom to work fast towards a TMDL without the worry of a new TP limit put in place as soon as 2010.

A temp mod is a tool only used in Colorado. It does shield dischargers temporarily but it should actually make the process quicker to get to better water quality. Temp mod has nothing to do with the 303(d) listing and the TMDL process. The underlying pH standard still applies and does not change. The commission will review the temp mod two years before it expires to see if it still makes sense. The temp mod basically states that the underlying standard may be in question due to attainability and/or appropriateness.

The whole purpose was to remove an obstacle so that the BMW group could get to a TMDL faster and to move on to implementation.

3. Q & A

Vic Lucero asked if the state could just push back permit limits without a temp mod. The answer was no, once a TMDL has been approved, any permits up for renewal has to include new limits to meet the TMDL.

Kipp Scott asked why a Type iii. Answer: Type ii has never been used since it was created. Type i is that there is no uncertainty of the standard and instead it delays the process to allow time for dischargers to get money to build facilities. This one provides no shield for permits. Basically this one is not used anymore since compliance schedules basically do the same thing.

Laurie Rink asked if the basis for the temp mod is uncertainty of the attainability or the appropriateness. Answer: can be made either way. If the standard is not attainable then it is not appropriate.

Kipp Scott asked about what happens after the Temp Mod. Answer: If the TMDL shows the standard is attainable, then the temp mod goes away. If the TMDL shows that the standards is not attainable, then the BMW group figures out what is attainable with help agreement from the Division. Then the commission hears all the sides to it and decide what the new standard should be.

Laurie Rink asked about the 20 year timeframe and the commission's goals. Answer: The commission's goal is to apply appropriate standards and this would all be figured out in 2014 when the S. Platte basin is back up for review.

Laurie Rink asked about permits and the compliance schedule and if these or other tools exist to achieve the same thing as the temp mod. Answer: Sarah did not know about permits. Tammy said that in general all the compliance tools provide flexibility also.

Steve Lundt then stated that it seemed like there is a new goal for the meeting. To determine on consensus if the underlying standard is appropriate or is there uncertainty about it. It seems that that is the fundamental question that people might be decisive about.

Kelly DiNatale asked that all temp mod would result in higher or relaxed standards. Answer: No, Amy Woodis gave an example for the ammonia standard. It provides time to figure things out and does not always result in higher or lower standards.

Vic Lucero asked can you do the temp mod after the TMDL is in place. Answer: yes but that would not make any sense since the purpose is to buy time and prevent TP limits in permits.

Laurie Rink asked if anything else will be given in support of this temp mod from the Division. Answer: no, the proposal is it for the commission to make a decision.

Sarah Johnson stated that she was very surprised by the BMW reaction to the temp mod proposal and that the non discharges don't see this as a way to get to a TMDL faster.

Kipp Scott stated that for the next 5 years all the money and effort will be spent on how to get to a pH higher than 9.0. Answer: Sarah J. said no, all the effort and money should go as planned and focus on a pH of 9.0

Mike Ruby asked if the Temp Mod could prolong water quality problems. Answer: Sarah J. said conceivably yes it could delay improvements but that might not make any difference if it means that permit holders do not drag their feet because of the temp mod.

Laurie Rink stated that she is trying to see if there are alternative tools in the regulatory field that could provide the same benefits as the temp mod.

Kipp Scott does not like that the temp mod officially states that the pH of 9.0 is uncertain and money and time will be spent away from the TMDL and on trying to figure out what is appropriate. Answer: Sarah J. stated that the temp mod could mean two different things, 1. the standard is uncertain because of attainability (this is a public policy decision) or 2. the standard is uncertain because the number is just wrong for that reservoir.

Steve Lundt asked about time and if the temp mod can be decided at the December commission hearing or move the expiration date to an early year. Answer: no the December hearing is when they review existing temp mods and the expiration date can be changed.

4. Consensus Vote

Sarah Reeves checked the bylaws to determine what consensus means. Is it 100% or 90%? If the board wants to get consensus at the stakeholder meeting, the board needs to be 100%. If it is 90% then the vote would have to be 10 of the 11 board members in agreement so you might as well get to 100% consensus.

5. Decision

Kipp Scott and Kelly DiNatale both expressed that the real issue they had with the temp mod is that it implies that the underlying pH standard is wrong but no study, modeling, or research has supported this idea. They were okay with the temp mod if it is because the underlying pH standard is appropriate but the attainability of it is uncertain. Laurie Rink also said that if the prehearing response said something about there is no technical conclusion that the pH is uncertain that would be acceptable.

So the board decided that a neutral, general support statement for the temp mod would be acceptable if it focused on the attainability side. Kipp Scott offered to have ECCV's attorney (Brian Nazareus) draft up a short prehearing statement that all board members could agree on. One concern for this idea is that it might take a long time for all the board members to then have their own legal staff review it and tweak it some. It was agreed that people would not be too picky and start word smithing. It was also agreed that if you were in agreement with the BMW position that you must also support it with your individual entity. If your entity did not agree and is going to be in opposition, you would need to inform the BMW board as soon as possible.

The board voted and it was unanimous to have ECCV draft up a prehearing statement in support for the temp mod because of attainability reasons. Everyone was okay with 2014 expiration date since the commission reviews it in 2012.

The meeting goal was met.

6. Next Meeting

Next board meeting will be March 24, 2009 from 9am to noon at Metro.

Next Stakeholder meeting will be April 28, 2009, from 9am to noon at Brighton Rec. Center.

Barr Lake/Milton Reservoir Watershed Association

BMW Board Meeting
 May 26, 2009 - 9:00am – 10:00am
 The Daniels Fund, 101 Monroe St

MINUTES

Board Attendance:

Laurie Rink – FRICO	Jill Piatt-Kemper - Aurora
Michelle Seubert - State Parks	Kipp Scott – ECCV
Terry Baus – City and County of Denver	Blair Corning – S. Adams Co.
Dennis Stowe (L/E)	Sarah Reeves – SPCURE
Darcie Garland-Renn – Integral Consulting, Inc.	Steve Lundt – Metro
Kelly DiNatale – United	Mike Ruby – Integral Consulting, Inc.
Vic Lucero – Thornton	Chris Piper – Denver Water

Public Attendance:

Jim Webster (Trees, Water, and People)	Joni Nuttle (CDPHE)
Tammy Allen (CDPHE)	

Meeting Objectives

- Committee Updates and Action Items
- Update and plan for Temp Mod
- Approve AECOM work
- Watershed Tour plans

1. Opening

Attendance sheet was passed around along with the in-kind hours log book. Minutes from 03/24/09 were handed out. Corrections were noticed and the minutes were approved. Steve Lund will make the corrections and finalize the minutes. Everyone did introductions since Mike Ruby and Jim Webster were new to the group.

2. Updates and Action Items

AECOM Scope of Work – The board unanimously voted for spending up to \$75K for TMDL development using AECOM. The board also voted to authorize AECOM to spend up to \$10K in the near term before final voting from the stakeholders at the June meeting. The State expressed their concerns about the Scope of work and duplication with the current modeling project.

pH Temp Mod Hearing – Laurie Rink summarized FRICO’s position and that they do not plan to give oral testimony at the hearing. Kipp Scott and Kelly DiNatale both expressed their frustration that Metro submitted a pH document from Bill Lewis in support of the uncertainty of pH without working with the BMW before hand. ECCV plans to give oral testimony at the hearing. Metro submitted the 7-page document to support the Division’s temp mod proposal. Laurie Rink requested that Metro pass out the pH document to the board. The board voted to not do an oral testimony but to instead submit a letter of support so as not to take up more of the hearing time.

Watershed Tour Ideas – Darcie updated the board on some tour ideas for the June stakeholder meeting. The plan is to coordinate with a farm or ranch to tour a CAFO (e.g. dairy) and to look at recent restoration efforts by Metro on the S. Platte River.

Contract Updates – No update

Treasurer’s Report: No Report

3. Committee Updates

Technical Committee: No update.

Information/Education: No update.

Budget Committee: No update.

Watershed Plan Committee: No update.

4. New Business/Topics

No new business.

6. Next Meeting

Next board meeting will be July 28, 2009 from 9am to noon at Metro.

Next Stakeholder meeting will be August 25, 2009, from 9am to noon.

A 5 hour board retreat about the future of the organization followed.

Barr Lake/Milton Reservoir Watershed Association

BMW Board Meeting
 July 28, 2009 - 9:00am – 12:00pm
 Metro Wastewater Reclamation District, Board Room

MINUTES

Board Attendance:

Laurie Rink – FRICO	Kipp Scott – ECCV
Michelle Seubert - State Parks	Blair Corning – S. Adams Co.
Julie Stahli - Metro	Sarah Reeves – SPCURE
Dennis Stowe (L/E)	Steve Lundt – Metro
Darcie Garland-Renn – Integral Consulting, Inc.	Mike Ruby – Integral Consulting, Inc.
Kelly DiNatale – United	Chris Piper – Denver Water
Vic Lucero – Thornton	Amy Woodis - Metro
Jill Piatt-Kemper - Aurora	

Public Attendance:

Meeting Objectives

- Committee Updates and Action Items
- Update Meeting with CDPHE
- 2010 Board Roster
- Watershed Tour Plans

1. Opening

Attendance sheet was passed around along with the in-kind hours log book. Minutes from 05/24/09 were e-mailed out prior to the meeting. Jill Piatt-Kemper e-mailed comments and Darcie also developed minutes along with the board retreat summary. Darcie will e-mail the summary to Steve Lundt. Corrections were noticed and the minutes were approved. Steve Lundt will make corrections and finalize the minutes. Everyone did introductions since Julie Stahli was new to the group. Mike Ruby also stated that his facilitator services are available to individual organizations as well as to the BMW Association.

2. Updates and Action Items

CDPHE Update: Laurie Rink gave an update to the Board about the recent meeting (July 2nd) with the State to talk about the issues with the modeling report, the TMDL scope of work, and the recent reimbursement request. For the most part, the issues were resolved. The State selected what tasks in the TMDL scope they will pay for and which ones they will not. It works out to about a 40/60 split. As for the modeling report, they want to get a copy of the models and see what the final draft looks like. They stated that we will spend all but about \$40K of the grant on the TMDL development and the left over can be spent on implementation plan. There is a concern that the \$40K and just a couple of months time frame will not be sufficient to do any implementation plan work. Laurie Rink did receive a letter from Lucia based on the agreement from the meeting. There will be a follow-up meeting to talk further about how to finish out the grant contract. Laurie also relayed that Lucia put in the letter a deadline for the final TMDL to

be November/December of 2009. The board was taken aback by this and definitely agreed that that was not a realistic schedule. The original deadline for a TMDL was 12/31/10 according to the signed PIP. It was then shortened to July of 2010. A new deadline of Nov/Dec 2009 does not allow for the proper amount of time to thoroughly develop a TMDL through the consensus process. If a draft is available by the end of September, then it will take several months to refine it and provide proper review by all parties. Plus, the stakeholder bi-monthly meeting schedule dictates the TMDL development schedule. Dennis Stowe reminded the board that the TMDL is not a report, the TMDL will require a longer approval process than other documents the Association has developed. The board was comfortable with staying with a July 2010 schedule and having Laurie Rink draft a response letter to Lucia stating that the BMW Association will focus on a July 2010 deadline for the pH TMDL.

Laurie Rink also updated the board about contacting Sarah Johnson to see when we need to meet with them about figuring out what the BMW association needs to do to address the temporary modification for pH. Sarah suggested by e-mail that the BMW Association waits until the TMDL is completed before meeting with her. The idea is that the BMW association needs to prepare for the December 2012 commission hearing for the Temp Mod review and it should reflect how the pH TMDL looks.

Contract Updates – Integral contract is on track and schedule. AECOM contract has \$7 remaining and they still need to provide training and a final product. We will see how AECOM handles this but for now there has been no communication with AECOM on this topic.

Treasurer's Report – There is \$63,007 in the bank. The state is processing \$20,731 and there is \$74,000 remaining from the state's grant. Darcie estimated that another \$20,000 will come in soon from memberships.

2009-2010 Board Members – So far the board members will remain the same except for Christine Hethcock. Christine has told Darcie that she will no longer be able to serve on the Board as an at-large director. Steve Lundt suggested contacting Steven Janssen to see if he wants to be back on the board in place of Christine.

3. Committee Updates

Technical Committee: Steve Lundt gave the committee update. Steve stated that the final draft of the modeling report, a list of comments and how they were addressed, and an updated scope of work will be available later in the week. Steve will pass them around just to the board before sending out to the larger committee. Extra monitoring has been occurring this summer.

Monthly, 15 chl-a samples are being collected for each reservoir to see if the numbers change compared to the 1-meter grab sample. Metro will also be doing a 48-hour monitoring study of the S. Platte River to help with model calibration. Two additional sites will be added for this event, Burlington Canal near Metro and the Platte Valley Canal headgate. The Tech committee is also working on what extra monitoring needs to happen in order to address the temporary modification and the uncertainty around the pH standard. Amy Woodis added that the state is trying to update the dissolved oxygen standard for lakes/reservoirs and EPA has recently provided feedback. Amy suggested that the BMWA might want to participate or listen in about

the upcoming changes to the DO standard to understand how it might impact the reservoirs and the Association. The rule making hearing for DO updates will be next summer.

Information/Education: Michelle Seubert gave the committee update. She updated the board on the lakes appreciation day event = 300 trees were planted, noxious weeds were a major task, and trash and tires were collected around the lake by 425 volunteers. They had to turn away 100 LDS volunteers. 225 volunteers came from Americorps. Steve Lundt will do a write up for the newsletter. The State Parks and BMWA will share a table at the Adams County State fair on August 7. BMWA will submit an abstract for the South Platte Forum – it is due August 1st. Steve Lundt will write an abstract about the modeling results. There will need to be a major I/E effort for getting the word out about the developed TMDL in 2010. Dennis suggested having several meetings, including after work times to allow the public to attend. Best time to do these would be in the spring (May). AECOM could come in to help if there is going to be a public hearing or meeting.

Budget Committee: Kipp Scott gave the committee update. The committee met on 7/27/09 to talk about a short and long term budget plan. Short term (end of 2010) there is a concern that there is not enough money to pay contractors. If the work is to do just the TMDL development, then the cash flow should be fine. Anything beyond the TMDL, there could most likely be an issue. There is not enough cash flow to do the implementation plan and evaluation plan. The committee thought of a few ideas to come up with more cash in the near term. Simple dues increase by 5-10% in 2010 is not enough. So one idea is to do a special assessment one time to raise close to \$40,000. Board members thought that this was okay as long as it was one time only. Another thought is to raise dues and do a special assessment. The \$1,500 level for active members should probably be raised also to make it fair to the Sustaining members. Steve Lundt stated that dues should not go over \$10,000 because you might lose a few then and in the end get less dues. Vic Lucero liked the idea of a special assessment and could probably justify one around \$5,000 or less. Kelly DiNatale stated that United wants to know what other members of the BMW Association are paying to see if it fair. Blair Corning suggested saving money by relying on individual organizations to conduct some of the implementation planning work. If this was to happen though, great coordination and openness would need to happen to make sure the reports were compatible. For the long term budget issues, projects need to be firmly decided in order to properly plan for them. Future projects need to be well defined and budget numbers need to be not estimates. The thought is that in order for BMW Association to be self-sustaining after the grant, dues will need to increase by 20-35% for 2011. The Tech Committee will need to come up with a well defined list of projects in spring of 2010 in order to budget for them in 2011. One long term idea is to charge extra entrance fees at Barr Lake State Park. Michelle Seubert said they get about 120,000 visitors a year now. She would have to begin the process to get the State Parks board to vote on approving an extra fee at Barr Lake. It would not be impossible to get this action item for the board but it would take detailed justification from BMWA to get it on the agenda. This idea will need to show a benefit to the park. BMWA would need to have a well developed Implementation Plan first. Chris Piper stated that he needs to communicate to Denver Water that we need to do the right thing, not the popular thing. He would need to put together a good selling package to really get a major dues increase approved.

Watershed Plan Committee: No update.

4. Finalize agenda for Annual Stakeholder Meeting

Steve Lundt went over the agenda to combine the watershed tour and the annual meeting. The meeting will take place at Metro from 9am to 10am. Then the tour will leave from Metro to go to the de-chlorination station by Washington Park. Then the tour will go through Washington Park and follow the main course of the reuse water to City Park. Al Polonsky will organize guest speakers from the City to talk about the lake management of the reuse lakes. Lunch will be provided at City Park.

5. New Business/Topics

Steve Lundt will attend the alum permit public meeting in Lyons on July 29. He will report back to the board about the meeting.

6. Next Meeting

Next board meeting will be September 22, 2009 from 9am to Noon at Metro.

Next Stakeholder meeting will be August 25, 2009, from 9am to noon.

Barr Lake/Milton Reservoir Watershed Association

BMW Board Meeting
September 22, 2009 - 9:00am – 12:00pm
Metro Wastewater Reclamation District, Manager's Board Room

MINUTES

Board Attendance:

Laurie Rink – FRICO	Terry Baus – Denver
Michelle Seubert - State Parks	Blair Corning – S. Adams Co.
Dennis Stowe (L/E)	Sarah Reeves – SPCURE
Darcie Garland-Renn – Integral Consulting, Inc.	Steve Lundt – Metro
Kelly DiNatale – United	Mike Ruby – Integral Consulting, Inc.
Vic Lucero – Thornton	Chris Piper – Denver Water
Jill Piatt-Kemper - Aurora	Amy Woodis - Metro

Public Attendance:

Meeting Objectives

- | | |
|--------------------------------------|----------------------------|
| ○ Committee Updates and Action Items | ○ 2010 Officers |
| ○ Integral Update about Metro RFP | ○ Plan for October meeting |

1. Opening

Attendance sheet was passed around along with the in-kind hours log book. Minutes from 07/28/09 were e-mailed out prior to the meeting. Jill Piatt-Kemper highlighted a couple of spelling errors and she and the rest of the board praised Steve Lundt for doing such a great job on the minutes. The minutes were unanimously approved. Steve Lundt will make corrections and finalize the minutes. Laurie Rink requested that the draft minutes be sent out as soon as they are done. Darcie also requested that final minutes be sent to her so they can be posted on the web.

2. Updates and Action Items

Selection of Officers – Steve Lundt offered to be secretary, Laurie Rink offered to be chair again, and Vic Lucero offered to stay as vice chair. Since Christine Hethock is no longer on the board, it was decided that Kipp Scott will be asked to be the treasurer. Kipp is on vacation, but Darcie will follow up with Kipp when/if he returns. The board voted unanimously for the officers. If Kipp accepts, he will need to go to the bank with another approved check signer to get signing power.

CDPHE Update – no update

Integral Update – Mike Ruby informed the board that Integral has received a RFP from Metro to do water quality modeling and permit work. Mike wanted to see how the individual board members felt about this and talk about any issues that might come about if Integral applied and was awarded the contract. Mike did explain that if Integral did work for Metro, the teams would

be completely separate, Mike, Darcie, and another water quality person would be dedicated to BMW while Alice Wood and a team of modelers would be dedicated to Metro. Darcie added that they would put up a “firewall” to prevent any conflicts of interest. Terry Baus asked a few questions about the RFP and what was in the proposal request. Mike Ruby guessed that the contract would be around \$1.5 - \$2 million dollars. Integral would also team up with Ken Heim. Kelly DiNatale expressed a concern that Integral, if had to chose, would not upset the larger contract and that could jeopardize the BMW coordinator contract since it is the smaller one. Vic Lucero said that it raises a red flag when the scope includes permit work with Metro. Kelly DiNatale then stated that he had a bigger concern with AECOM being on the list as potential submitters for a scope of work since they are putting together the TMDL. Others agreed and stated that almost all of the consultants that received the request for a scope could have some level of conflict of interest. Vic asked if the BMW board could see the actual RFP. Mike Ruby offered to send out the bulleted items. Then Steve Lundt and Amy Woodis offered to check with Barb Biggs to see if the actual packet or RFP could be sent to the BMW Board. Steve Lundt said that he would check with Barbara and then send out the RFP if it was okay. Then it was decided that the board members would look over the RFP and send their vote/comments out to the entire board by Friday, September 25th. Then Integral would have until Oct 2nd to decide how to proceed with the RFP. Dennis Stowe reminded members that the conflict of interest had to be with the BMW mission/goals/value, not with each individual entity.

Contract Updates – Integral contract is on schedule and on budget. AECOM’s extended contract now has Ken Wagner as the Project Manager.

Treasurer’s Report – No report other than there is no update with the State’s reimbursement that has been held up.

Implementation Roadmap – Steve Lundt and Laurie Rink updated the board about the recent discussions at the Technical Committee about how to proceed with the TMDL Implementation /Evaluation Plan since the State has shorted the grant by a year. Right now there is no defined plan or roadmap to go beyond the development of the pH TMDL. There is also only about \$30K left in the grant after the TMDL is done and it is agreed that the BMW group should utilize and spend all of the grant funds. To move forward, one idea is to spend the remainder of the grant funds on a consultant that can provide a roadmap towards developing the Implementation/Evaluation Plan. The purpose would be to have a roadmap that lays out the necessary steps to get to an implementation plan and to begin work on some of the PIP products for implementation. Examples: provide a range of costs for a list of projects, establish a few options that would include cost/benefit analysis, and some kind of overall feasibility analysis. The consultant would need to be non-biased, work closely with the different stakeholders, need to make sure options lead to implementing the TMDL, and provide a report. The consultant could coordinate all the various versions of the overall TMDL allocation pie. Dennis Stowe suggested that the consultant could focus on NPS since the WWTP will have a better handle on the PS implementation tasks. The focus could be a feasibility summary that would include costs, long term aspects, and meet allocations by all. Amy Woodis suggested that the consultant could do an alternative analysis. Amy also suggested thinking outside of the box and consider a phased implementation approach or the use of a UAA (Use Attainability Analysis) to see what is appropriate. Kelly DiNatale suggested not to use a consultant but to have the stakeholders

brainstorm and come up with a roadmap. Then the money can be spent on technical studies that will come out of the roadmap. Sarah Reeves then explained her idea that a roadmap could be done by the board/stakeholders and that she was willing to help write it. Sarah will start the roadmap and Amy Woodis, Blair Corning, Dennis Stowe, Terry Baus, and Laurie Rink agreed to also help with the development of the roadmap.

3. Committee Updates

Technical Committee: Steve Lundt gave the committee update. The final modeling report is completed and available on the BMW website. Modeling training will occur via the web on Oct 6th and 22nd. Ken Wagner plans to have the draft pH TMDL out by October 2nd. Ken has some questions for the Board. There are a couple of sections (Monitoring strategy and Public Participation) that Ken has requested BMW write or provide information for. Then the plan is to have Ken come out for a workshop on October 20 to walk us through the draft TMDL. The other topic the committee has been working on is the development of a pH study plan to gather more data and information about the appropriateness of the pH standard. Integral was asked to provide a scope of work to looking into the alkalinity loads for Barr Lake. Alkalinity is high in these reservoirs and is potentially causing the pH to remain high once it has been elevated above 9.0.

Information/Education: Michelle Seubert gave the committee update. Close to 260 people attended the annual fall birding festival at Barr Lake. Six people signed up to get BMW information at the booth. Darcie will send out a special welcoming e-mail to these people to welcome them to the BMW Association. The Cherry Creek relay race will happen on Sept 26th and Michelle has put together a Barr Lake team. Michelle also mentioned that the I/E committee is looking for more participation and are welcoming anyone to join. The I/E committee also talked about how to best educate the public about the TMDL next spring. The plan is to provide at the February Stakeholder meeting all the material to spread the word about the TMDL. The committee is also looking into getting a new poster display. It was decided the Darcie will go to the Vail conference and put up the BMW display. Also, Amy Woodis volunteered to take the BMW display to the S. Platte Forum in October.

Budget Committee: No update

Watershed Plan Committee: No update.

4. Finalize agenda for Stakeholder Meeting

The date will be changed to October 20 and Ken Wagner will be the main speaker.

5. New Business/Topics

6. Next Meeting

Next board meeting will be November 24, 2009 from 9am to Noon at Metro.

Next Stakeholder meeting will be October 20, 2009, from 9am to noon.