

Barr Lake/Milton Reservoir Watershed Association
BMW Board Meeting
May 24, 2011 9:00am – 12:00pm
Metro Wastewater Reclamation District, Denver, CO

MINUTES

Board Attendance:

Laurie Rink – FRICO
Sarah Reeves – SPCURE
Chris Douglass - ECCV
Steve Lundt - Metro
Dennis Stowe – L/E WWTP
Amy Woodis – Metro
Blair Corning – South Adams County
Kelly DiNatale – United Water
Tim Grotheer - Centennial

Public Attendance:

Amy Conklin – BMW Coordinator
Kristi Livedalen – Squire, Sanders & Dempsey
L.L.P.
Jill Piatt-Kemper - Aurora
Christine Johnston - Xcel
JoniNuttle – CDPHE
Greg Naugle - CDPHE
Barbara Biggs – Metro
Jim Dorsch - Metro
Jerry Raisch – Vranesh & Raisch

I. Opening

- Amy Conklin presented a cake to Steve Lundt for the outstanding work he and Michelle Seubert did to ensure that the limnocorral construction and installation was completed in a timely manner without any complications. Good job!
- Laurie Rink welcomed the group and noted that we would jump to item IV on our agenda as soon as the Water Quality Control Division staff arrived. She also wanted to add discussion of the Coordinator Performance Evaluation under New Business.
- Approval of 3/22/11 Minutes – The minutes were approved by acclamation with corrections suggested by Sarah Reeves.

II. Updates/Action Items

- Chair's Report – Laurie Rink reported that Randy Ristau at CDPHE, who was BMW's first 319 Liaison Officer, stated that there may be as much as \$8,000 remaining in our 319 grant. In these cases, the 'left over' money is usually returned to the participating organizations. However, it would be easiest to just return the remaining funds to BMW. The group gave a thumbs-up to returning any remaining money directly to BMW.
- Treasurer's Report - Blair Corning reported that our current bank balance was over \$140K with 12 members having paid their dues.

At this point, Joni Nuttle and Greg Naugle from CDPHE joined the meeting and the group turned to item, IV – Discussion of TMDL Documents Posted for Comment.

- Coordinator Updates (Amy C) – Due to time constraints, Amy Conklin briefly reported that the 501 c 3 application was almost ready for submittal to the IRS and any Board member who was interested was welcome to review the documents. Amy Woodis will review the application one last time before submittal. Amy Conklin also reported that, working on a suggestion from Vic Lucero, she had contacted Carol Castor with the Greater Metro Telecommunications Consortium and provided video for their June edition of Metro Voices. The video was from the Littleton/Englewood Wastewater Treatment plant’s video on World Water Monitoring Day. The video produced by the GMTTC, with video clips from the LEWWTP, will be shown Thursday nights at 8:00 pm in June and July on public access channels. The show can also be viewed online at www.gmtc.org. Amy Conklin also reported that, as part of her liaison activities, she is scheduled to attend the Bear Creek Watershed Association’s Board meeting on June 8th. **The coordinators were instructed to focus liaison activities next on attending Chatfield Watershed Authority and Cherry Creek Basin Water Quality Authority Technical Review Committee meetings.**

III. Coordinator Task Orders Discussion (Amy C)

The Board gave a thumbsup to the coordinators’ proposal to use Hughes and Stuart to revise the website, but requested that the Board have an opportunity to review a draft of the revisions. Discussion on the Task Order to create a video of the limnocorral construction and installation was tabled until the July Board meeting. In the interim, the coordinators will work with Steve Frank, the Public Information Officer for Metro, about the video he is creating.

IV. Discussion of TMDL Documents Posted for Public Comment (Joni Nuttle)

Greg Naugle began by stating that the comment period for the pH TMDL had been extended until June 30th and the comment period for the DO TMDL has been extended until August 15th.

Tim Grotheer asked about language in a letter received yesterday (May 23rd, 2011) from Mr. Steve Gunderson, which stated that CDPHE had discussed inclusion of a DO TMDL with BMW. **Amy Conklin** was directed to research Board and Stakeholder meeting minutes to determine if there had been mention of a DO TMDL.

Joni Nuttle explained the changes she had made to the submitted documents. The group requested a red-lined version of the submitted documents so they could easily see the changes. Joni said she would provide one if she could find one.

The group discussed the deletion of language of “a 30-day average not to exceed three (3) times the annual average.” Joni responded that it was inappropriate to have permitting language in the TMDL. The group then asked why the point of compliance was changed to ‘end of pipe’ instead of ‘in-lake.’ Joni responded that this is a new type of TMDL where many things are not definite. The TMDL was a concentration-based, rather than a load-based

TMDL. She included a 100 ug/L end of pipe concentration as an annual average to allow flexibility in permit writing.

Jerry Raisch cautioned that there may be legal issues involved in writing a TMDL for a segment that is only on the Monitoring and Evaluation, not 303 d list. He suggested that the WQCD confer with the Attorney General's office. Joni responded that the Division writes many TMDLs for segments on the M&E list.

Jerry Raisch questioned EPA consultation process. It sounded very informal rather than a formal process where approvable criteria were established.

Barbara Biggs clarified that while an average annual compliance concentration implied greater variability than a 30-day average, the reality is that wastewater treatment plants work hard to maintain effluent concentrations as close as possible to the allowable concentration. She appreciated the TMDL being concentration-based, as most wastewater treatment plants don't have control over the amount of flow they receive.

The group next discussed the DO TMDL. Joni Nuttle explained that there were benefits to adding DO into the pH TMDL, specifically that Barr Lake and Milton Reservoir would be taken off the M&E and 303 d lists, respectively. In addition, implementation of practices to control pH would result in attainment of DO at the same time. She believed that both issues, DO and pH, could be addressed simultaneously. Joni Nuttle explained that she was working on a method to evaluate warm water reservoirs, like Barr Lake and Milton Reservoir, by compiling data from similar lakes. That method could then be used to streamline the TMDL process for DO impaired lakes.

The group expressed its understanding of and empathy for the CDPHE's desire to reduce the number of listed segments, but the method ignored BMW's site-specific data. Joni Nuttle said the site-specific data for Barr Lake and Milton Reservoir didn't work in her models because the nutrient levels in the water bodies were too high. She also said that the DO results support the pH results. Barbara Biggs and others cautioned CDPHE not to use proposed criteria in writing TMDLs, as it could be construed as subverting the nutrient criteria development process. In addition, using proposed criteria in TMDLs could hurt the Water Quality Control Division's proposed policy of using Control Regulations for water quality protection.

Amy Conklin requested a copy of the data used to generate the total phosphorus vs chlorophyll graph on the last page of the DO TMDL. The correlation coefficient was very high. The group discussed that the models are not predictive and the BMW data shows poor correlation between total phosphorus and chlorophyll because phosphorus is not the limiting nutrient.

The group thanked Joni Nuttle and Greg Naugle for taking the time to attend the meeting and took a break before discussing how to present the TMDL documents to the Stakeholders group. Joni Nuttle explained that the models "breaks down" when applied to individual reservoirs."

The group reconvened after Joni Nuttle and Greg Naugle left to discuss how to present the changes to the documents to the Stakeholders group. Laurie Rink guided the discussion by separating the pH and DO TMDLs.

Dennis Stowe moved to revise the meeting schedule for Stakeholder meetings to try to get as much stakeholder input as possible. Tim Grotheer seconded the motion. The motion to revise the meeting schedule received and unanimous thumbs up. After discussion, it was

decided that the June 28th Watershed Tour would be revised to a regular Stakeholder's meeting to allow discussion of comments on the TMDLs, specifically the pH TMDL, as the deadline for comments would be two days later.

An additional Stakeholder meeting would be added for August 2nd to discuss comments on the DO TMDL. The Annual BBQ would be held, as planned, on August 26th, but the coordinators would see if the Rocky Mountain Arsenal Visitors Center Tour could be moved to the morning of August 26th, with the BBQ and business meeting immediately following at the Rocky Mountain Bird Observatory. **The coordinators were instructed to make the necessary arrangements to reschedule the meetings.**

A subcommittee was formed to draft comments to present to the Stakeholders; Tim Grotheer, Steve Lundt, Kelly DiNagle, Amy Woodis and Dennis Stowe. The subcommittee would work to develop comments on the TMDLs for presentation to the Stakeholders on June 28th and August 2nd. All were encouraged to circulate to the Board any comments they were considering making. Individual organization will likely submit their own comments, but it will be helpful to understand all the comments in developing BMW comments.

V. Next Stakeholder Meeting (6/28/11) – Watershed Tour of Rocky Mountain Arsenal Wildlife Refuge (Amy C)

Based on discussion of the TMDLs, the Stakeholder tour of the Rocky Mountain Arsenal Visitor Center is being postponed until the August 23rd Stakeholder meeting.

VI. New Business/Open Topics

- The coordinators left the room so the Board could discuss development of a performance appraisal of the coordinators.

VII. Next Meeting

- Technical Committee (May 26th, 2011, 9:00 am – 11:00 am **at Barr Lake to look at the limnocorrals! Meet at the dock**)
- Stakeholder Meeting (June 28, 2011, venue TBD)
- Board meeting (July 26th, 2011, 9:00 am – noon, Metro)