

**Barr Lake/Milton Reservoir Watershed Association**  
**Public Stakeholder Meeting**  
**Tuesday, June 28<sup>th</sup> 2011 (9:00am – noon)**  
Wes Brown Water Treatment Plant, Thornton CO

## MINUTES

### In attendance:

Vic Lucero – City of Thornton  
Tim Grotheer – Centennial  
Sarah Reeves – SPCURE  
Steve Lundt – Metro Wastewater  
Kristi Livedalen – Squire, Sanders & Dempsey  
Steve Jeffers – Town of Lochbuie  
Mary Gardner– L/E WWTP  
Blair Corning – S. Adams Water & San.  
Malinda Slaybaugh – Friends of Barr Lake  
Connie O’Neill - NFRWQPA  
Charlene Seedle – S. Adams County  
John Gaines – City and County of Denver

Jill Piatt Kemper - Aurora  
Linda Boyle – Aurora  
Ed Burke – City of Brighton  
Kelly DiNatale – ECCV, United  
Karen Frarck – Town of Lochbuie  
Claud Hanes – Fort Lupton  
Laurie Rink – FRICO  
John Stednick – CSU/FRICO  
Thom Vinson – Fort Lupton  
Amy Woodis – Metro  
Billy Ammons – Fort Lupton  
Cheri Andersen – Lochbuie  
Christine Johnston – Xcel Energy  
Joni Nuttle - WQCD

### **Guests:**

Amy Conklin – BMW  
Susan Thornton – BMW

### Welcome, Sign-In, and Introductions

The meeting opened with an attendance sheet sign-in and the attendees introducing themselves. The draft stakeholder meeting minutes from the February 22<sup>nd</sup>, 2011, were accepted by consensus.

### **General Business**

#### Board Updates

Laurie Rink stated that we’ll be discussing the TMDL documents that have been posted for comment.

Tim Grotheer announced opening for At-Large seats for election in August. Anyone wanting to run for one of the At-Large seats please let Tim Grotheer and Amy Conklin know by August 3<sup>rd</sup> in time for August 23<sup>rd</sup> election.

#### CDPHE Updates

No updates were reported

#### Technical Committee Updates

Steve Lundt provided updates to the group concerning the limnocorral experiments. A professional diver was hired to re-situate the limnocorrals over the aerators after high winds moved them out of position. Three of the corrals are now back over the aerators but the diver had to spend

about three hours untangling the air tubes and lines around the corrals. The work was a little tricky because of the limnocorrals being placed close to the outlet structure but that is where the power to run the aerators is located. The sampling program has changed to every other week, rather than every week, because we are unable to use Alum and will only be measuring the effects of aeration. Preliminary results show dissolved oxygen concentrations higher than normal in the corrals over the aerators. There has not been any new information about receiving a permit to apply Alum.

### Treasurer Updates

Blair Corning provided a Treasurer's Report on BMW finances. There is almost \$191,800 in the bank account. All but a few members have paid their membership dues for 2011/12. We are planning to submit the 501 c 3 application. We have still not heard if Denver Water plans to continue its participation in BMW.

**Review of TMDL documents** – The discussion began with Laurie Rink providing background of Total Maximum Daily Load (TMDL) document development. She re-iterated how the process has worked, that this is a 3<sup>rd</sup> party TMDL developed by Stakeholders and funded largely by 319 grant over a 6 year process. The first few years work focused on technical issues then the group began working together to develop the pH TMDL. The final documents were submitted in December 2010. We worked closely with Colorado Department of Public Health and Environment, Water Quality Control Division (WQCD) and the Environmental Protection Agency (EPA) through the stakeholder process. The pH TMDL and Implementation plan are both written as phased documents. The WQCD posted the documents, with WQCD revisions, for public comment at beginning of May with 30 day comment period. Several of the changes made by WQCD were substantive, including a change to allocation scheme in the pH TMDL and addition of DO TMDL, a new document that was written with no participation from Stakeholders. The concerns we've heard so far have been related to changes made by the WQCD. Specifically, the impacts of the change to the allocation scheme in the pH TMDL are objectionable to some of the BMW Stakeholders. The main concern with the DO TMDL is that it hasn't been through the Stakeholder process and we need time to respond. Some members requested extension on comments which WQCD granted. June 30<sup>th</sup> is now the new deadline for comments on the pH TMDL and Aug. 15<sup>th</sup> is the new deadline for comments on the DO TMDL. The purposes of today's meeting are informational to answer questions, share points of view, to hear from Stakeholders what their comments may be, and to determine if BMW, as an organization, wants to submit comments. A Special Stakeholder meeting has been called for August 2<sup>nd</sup> and the BMW Board will discuss the TMDL at their July meeting.

Joni Nuttle began her comments by stating that comments on the TMDL should be sent either to her at [joni.nuttle@state.co.us](mailto:joni.nuttle@state.co.us) or Phil Hageman at [phil.hageman@state.co.us](mailto:phil.hageman@state.co.us). She stated that this TMDL may be posted for a second round of comments but she couldn't commit to that.

Steve Lundt explained the revisions to the Allocation Tables, Table 4.1 and 4.2 result from the change the WQCD made to require the effluent limits being based on end-of-pipe instead of in-lake. In the documents the WQCD posted for comment, the narrative states that the effluent concentrations must be 0.1 milligrams per liter (mg/L) TP, but the Allocation Tables have not been revised to reflect that change. The change to an end of pipe TP concentration of 0.1 mg/L, requires the small wastewater treatment plants to spend an unanticipated amount of resources on wastewater treatment rather than allowing for more flexibility in treatment options to obtain the target concentration in-lake. Joni Nuttle noted that the original tables in the documents submitted to the WQCD did not include total Phosphorus (TP) concentrations. Steve Lundt reported that was correct. The tables reflected the percent each discharger would have to reduce from their current TP discharge. The revisions the WQCD made to the narrative about the Allocation Tables, but not the

tables themselves, reduces the TP discharge for one of the smaller dischargers from 7 kilograms per year (kg/yr) to 1 kg/yr. To achieve such a dramatic reduction would require unanticipated expenditure of resources from small communities for an uncertain and undefined benefit.

Jill Piatt-Kemper stated that the only Allocation Tables posted for comment are the unrevised ones from the BMW submittal that do not show Aurora needing to increase the amount of their reduction. In her comments, what should she use; the unrevised tables in the posted documents that are in conflict with the narrative, or the revised tables generated by Steve Lundt that are consistent with the narrative? Joni Nuttle responded that she had not noticed the disconnect between the Allocation Tables and the narrative. The conflict can be resolved in the response to comments. The intent was to ensure that this TMDL is concentration based, rather than load based, and include effluent concentrations for TP. It was likely an over-simplification to assign 0.1 mg/L to all the discharge concentrations.

The beneficial participation in the process by WQCD and EPA was discussed. Throughout the process the Stakeholders had not heard any objections to the TMDL targets being in-lake versus end of pipe. Would an in-lake target likely be unapprovable by EPA? The concern is that if such a stringent limit is set for TP in effluent, all the phasing and flexibility built into the Implementation Plan will be superseded by the focus on meeting effluent limits. For the smaller dischargers, the changes required to meet a TP effluent limit of 1.0 mg/L were dramatically different than meeting an effluent TP limit of 0.1 mg/L. In addition, for all but Littleton/Englewood and Metro, the contribution to the total TP load is so small that expenditure of virtually all the resources to meet effluent limits will not pass a cost-benefit analysis. The limited resources can be much better spent using information gathered over the phasing of the TMDL to maximize efficiency of pollutant removal.

Joni Nuttle was again asked if the intent was to put an unanticipated burden on the smaller dischargers. She was asked if it would be possible to get an extension on the comment period. Joni Nuttle responded that there was no intent to create additional stress. This TMDL is the largest ever done in the state and the most complicated due to the number of dischargers, the phasing of the TMDL and the fact that it is concentration based rather than load based. Additionally, Barr Lake and Milton Reservoir are not on-stream water bodies; not all the water in the South Platte River makes it to Barr and Milton and the water that is diverted to Barr and Milton is intermittent. While Joni Nuttle can not commit to extending the comment period without approval, she would commit to **extending the comment period for the pH TMDL for one week with comments now due by Friday July 8<sup>th</sup>**. All the Stakeholders were encouraged to submit comments. Joni Nuttle pointed out that there would be a delay of years between when the TMDL was adopted/approved and when the changes would be written into permits. There will be time for discussion after the TMDL process is over. But, it was pointed out, that the TMDL is a legal document; if it's in the TMDL, the dischargers have to do it.

Steve Lundt pointed out that the tables Metro revised included a change in the language regarding the upstream reservoirs. Joni Nuttle re-stated her position that it is not appropriate to apply a load reduction to the upstream reservoirs. They are mostly meeting the target concentration of 0.1 mg/L and any additional load reduction needed would have to be applied elsewhere in the system, not at the upstream reservoirs.

The group discussed how the smaller plants need relief from unrealistically restrictive effluent limits and everyone needs flexibility to implement the changes required to achieve the target in-lake concentration. The group also recognized that the WQCD needs enough specificity and certainty defined in the documents that they can write permits that are not in conflict with the TMDL. There was also comprehension that a concentration based TMDL was more desirable for BMW than a load based TMDL because it would allow plants to expand and be in compliance with the TMDL.

Because of the precedent setting nature of the BMW TMDL and the complex components of the watershed, the process is very difficult. Joni Nuttle expressed her willingness to work with the Stakeholders to revise the Allocation Tables and the narrative. She will let us know by the end of the day if and how the process can be structured to accommodate the collaboration. One of the challenges will be to incorporate the concept of Adaptive Management into the permitting process. There has to be a link between the in-lake loads and the effluent concentrations. There has to be either wasteload allocations or effluent concentrations for the TMDL to be completed.

The group reached consensus that the BMW Stakeholders want to submit comments on the TMDL documents. The comments should reflect consensus on wanting the opportunity to work with the WQCD to revise the Allocation Table to meet the original intent of the Stakeholders that the TMDL include phasing and Adaptive Management. There was a 'Thumbs Up' vote to conduct review and approval of the BMW comment letter via email. Laurie Rink committed to draft and send a letter to the Stakeholders by Thursday, June 30<sup>th</sup> for their review. The Stakeholders would have until Tuesday, July 5<sup>th</sup> to comment on the first draft. Laurie will collect the comments and send out a second revision for comment on Wednesday July 6<sup>th</sup>. A final Thumbs Up vote will be required by noon on Friday July 8<sup>th</sup>. **All Stakeholders are requested to register a comment on the letter. It is vital to get as much participation as possible.**

### Coordinator Update

Amy Conklin reported that CLRMA has invited BMW to present at their Nov. 16<sup>th</sup> annual conference. She would be responding that BMW will be happy to present. Charlene Seedle provided information about Adams County grants we'll add to the Action List. Amy Conklin reported on an article appearing in the June 22<sup>nd</sup> Denver Post about Metro's progress clearing the site for the North Plant. The Clear Creek Watershed Foundation has a fabulous festival September 17<sup>th</sup> in Idaho Springs. The Board needs to discuss and decide if this is an appropriate event for the coordinators to attend. The Visitor's Center at the Rocky Mountain Arsenal now only accommodates tours for groups like ours on Fridays. The coordinator was requested to inquire if we could just hold one of our meetings there.

**Proposed Revisions to the BMW Website** – The coordinator presented the process for revising the BMW website. Everyone is requested to provide feedback on the revisions to ensure that the website reflect who BMW is and does what we want it to do.

### **Open Forum**

- The group was reminded that Saturday, July 16<sup>th</sup> is Barr Lake Appreciation Day. All volunteers are welcome.
- Other discussion:
  - Water 2012 – Amy Conklin reported that their website will be up and running soon and she will send out a notice when it's live.

### **Meeting Recap and Next Steps**

Upcoming Meetings/Events (see [www.barr-milton.org](http://www.barr-milton.org) for more information):

- BMW Board meeting, July 26<sup>th</sup>, 9:00 am to noon, Metro
- Technical Committee July 28<sup>th</sup>, 9:00 am to 11:00 am, Metro
- Special Stakeholder meeting – Tuesday August 2<sup>nd</sup>, Thornton