



Authority Board Chair: Lesley Dahlkemper  
Authority Board Vice-Chair: Lora Thomas  
TAC Chair: Mary Kay Provaznik  
TAC Vice-Chair: David Van Dellen

# TAC Minutes

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## Chatfield Watershed Authority Technical Advisory Committee (TAC) Meeting

January 5, 2021

2:00 p. m. – 4:00 p. m.

GoToMeeting Online

### Member

#### Attendees:

David Van Dellen (Town of Castle Rock)  
Jim Dederick (Douglas County)  
Patrick O'Connell (Jefferson County)  
Weston Martin (Plum Creek)  
Barbara Biggs (Roxborough W&S) (CWA Board)  
Mary Kay Provaznik (Dominion Water & Sanitation District)  
Bob Neal (Dominion Water & Sanitation District)  
Alison Witheridge (Denver Water) (CWA Board)  
Mark Marlowe (Town of Castle Rock)  
Carolyn Roan (City of Littleton)

#### Alternate Members, Other Associate Agencies and Attendees:

Jim Walker (Pine Canyon Representative)  
Alan Leak (RESPEC)  
Kurt Walker (Pine Canyon Representative)  
Cathy Begej (JCD)  
Bob Frchetti (Pine Canyon Representative)  
Kris Wahlers (Chatfield State Park)  
Joni Nuttle (CDPHE)

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- 2:00 p.m.      **Authority TAC Call to Order**
- Introductions
  - TAC Member disclosures

Meeting was called to order by David Van Dellen Vice-Chair of TAC at 2:04 pm. There were no disclosures.

### Action Items/Recommendation to Board

Mary Kay Provaznik & David Van Dellen

#### **A. Approval of Agenda**

It was moved by Pat O'Connell and seconded by Jim Dederick to approve the agenda; motion carried unanimously.

#### **B. Approval of December 1, 2020 TAC Meeting Minutes**

It was moved by Weston Martin and seconded by Jim Dederick to approve the December 1, 2020 TAC meeting minutes with change to include distinction under members between TAC and Board; motion carried unanimously.

#### **C. Review/Approval of Invoices for Payment** - The table summarizes the invoices included in the TAC packet.

There was discussion on payment on invoices and unpaid Pine Canyon billing. It was approved to pay all invoices.

<b>Invoices &lt; \$5,000 and within Budget and Scope (Manager's Approval)</b>	
Lynker_11 30 20 Chatfield_Watershed_Invoice #S1006257	\$750.00
Hughes and Stuart_Invoice_2020073-CWA WordPress Training	\$150.00
Inv_19822_from_TWS_FINANCIAL_INC._24904 November 2020	\$1,000.00
Chartrand_20.12.15 Pine Canyon Application INVOICE November 2020 #PCA-0003	\$1,600.00
Chartrand_20.12.15 CWA INVOICE November 2020 #CWA-0006	\$1,950.00
RESPEC_3867-Chatfield-INV-30NOV20	\$3,465.00
<b>Invoices \$5,000 - \$15,000 and within Budget and Scope (TAC Approval*)</b>	
<b>Invoices &gt; \$15,000 and/or any Amount not within Budget or Scope (Board Approval)</b>	
*Also requires post-payment Board ratification at next quarterly Board Meeting	

**D. TAC 2021 Chair and Vice-Chair Selection**

Mary Kay Provaznik will be stepping down from the TAC Chair position. Ratify to move Vice-Chair into Chair position leaving the Vice-Chair position open.

Motion made by Weston Martin to have David Van Dellen move into the TAC Chair position and seconded by Pat O'Connell; motion carried unanimously with one abstention by David Van Dellen.

Motion by Jim Dederick to select Weston Martin for the Vice-Chair position and seconded by Bob Neal; motion carried unanimously with one abstention by Weston Martin.

**E. Recommendation on Pine Canyon Water & Sanitation District / JRW Families NPS to Point Source Trade Application Package**

The Site Application is contingent on the Trade Application. Recommendation can only be made on the Trade Application at this time. The Pine Canyon team led by Bob Frachetti presented a PowerPoint to review the issues. Pine Canyon is planning development on a 540-acre parcel. They are forming a Special District to operate a reclamation facility and asking for a recommendation today. Pine Canyon presented a site application summary and phosphorus management strategy. RESPEC followed this presentation with a memo restating information on the application package as a consolidated summary. A timeline of the application package was provided. Pine Canyon would like a referral letter from CWA by January of 2021. The applicant has not specifically requested CWA to restart the review process. Pine Canyon submitted a response to CDPHE's RFI dated December 10th. CDPHE has not commented on Pine Canyon's response to CDPHE's RFI. RESPEC will need information from CDPHE, most specifically, CDPHE legal criteria to allow NPS trade in an MS4 area.

Phosphorus reductions requested by MS4 criteria are fairly extensive. CDPHE needs to be clear on what would be available for trade after MS4 criteria is met. The applicant requested examples of phosphorus reduction projects. They were referred to the 2015 Chatfield Watershed Plan. The Cherry Creek Watershed Authority has also done studies on phosphorus reduction. The Ken Caryl Ranch and Massy Draw data sets could provide information. Based on RESPEC's memo, RESPEC does not have enough information to make a recommendation today. Do the TAC members want to make a recommendation? TAC needs more information prior to making any type of recommendation.

Regarding non-proliferation of waste treatment plants in the area, why is Pine Canyon not consolidating? Consolidation was considered for multiple years. They were unable to reach agreement on annexation through Castle Rock. Castle Rock believes consolidation is still an option. With the nature of the trade there is a lot of uncertainty. This type of trade has not been made in the past. The

concern is that the guarantee of the source of the trade is not clear. Quantifying what a true removal would be difficult.

Motion made by Weston Martin to not move forward with a recommendation at this time until there is more information to review and was seconded by Bob Neal; motion carried unanimously.

**Action:** Include the RESPEC memo in this minutes package.

**F. Approve to submit CDPHE Waste Consolidation Letter**

TAC members have been considering the issue of consolidation. The legal consultant was asked to develop a letter to address this topic with the intent to communicate TAC concerns to CDPHE. The letter was included in the meeting packet.

Motion made by Pat O'Connell to authorize and send the letter to CDPHE and seconded by Weston Martin; motion carried unanimously.

## **Technical Updates**

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**A. Technical Member Updates**

**a) RESPEC (Alan Leak)**

- i) Triennial Review Subcommittee Update - The committee has not met. RESPEC intends to send out an invite to the committee and reach out to CDPHE to hold another meeting to inform continued preparations. Barb Biggs reached out to Perry Park / Louviers about possible adjustments to regulations. They are aware of the situation. If others have additional input, please contact Alan.

**b) Other Member - None**

**B. Manager's Update (Diane Kielty)**

**a) Pine Canyon Invoice Payment Status**

**i) Charges Dispute**

The applicant was made aware in July that a new Cost of Review policy would go into effect during their application process. The applicant understanding is that they are grandfathered in on the 2017 Cost of Review policy and that the cost of review only covered the trade application. The 2017 policy includes site applications. Review costs are reduced for members, but even members would be required to cover costs above minimum review. CWA received Pine Canyon's Trade and Site applications concurrently and our policy states the intent for the applicant to pay all costs of review on application packages received. Moving forward with any type of review without the outstanding balance of Pine Canyon dues being paid is a critical issue to continuing the review process. It would be helpful to know from the applicant if costs will be covered. The letter CWA received from Pine Canyon states they intend to pay for the phosphorus trade review only. The applicant asked for an estimate going forward. The letter of commitment from the applicant is based on their interpretation of CWA's authority to review. The applicant views CWA, in its capacity as an agency, review rights for site applications as different than CWA's review rights under Regulation 73. This is the distinction the applicant made on determining their payment for CWA's review.

TAC has limited authority on financial matters. There has been extensive communication back and forth and the application has not been complete. The review costs are increasing as questions continued to be answered by the applicant. It is TAC's understanding that there would not be an impact to the CWA budget when applications are received and reviewed. This needs to be resolved before we move forward. RESPEC will need approval from TAC to continue the package review. This issue will need to go before the Board.

Motion made to withhold any further action on the Pine Canyon application until the payment issue is resolved or TAC receives direction from the CWA Board by Weston Martin and seconded by Carolyn Roan; motion carried unanimously.

**b) Legal Consultant Selection Committee Update**

Three applications were received. The review committee is entering into the review process.

- c) Website Hosting & Maintenance Transition Update  
Concern for the integrity of the website which is nearing obsolete. Back-up plan to create a Chatfield webpage on the Assembly site as placeholder if necessary.
- d) Board Election Update  
Barb Biggs (WSD Members) and Alison Witheridge (Other Members) were both elected for second two-year terms through end of 2022.
- e) TAC Representative Forms Request have been distributed. Program Manager made a request that members please complete the form and return it to her.

**C. Financial Recap**

- a) November 2020 Financial Summary was presented to the committee.

**Upcoming Meetings**

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**A. Next Scheduled TAC Meetings:**

- a) Tuesday, February 2, 2021: 2:00 – 4:00 p.m., GoToMeeting Virtual

**B. Next Scheduled Board Meeting:**

- a) Monday, January 25, 2021: 3:00 – 5:00 pm, GoToMeeting

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3:52 p.m.

**Adjournment of Meeting**