



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

TAC Meeting Minutes

Chatfield Watershed Authority Technical Advisory Committee TAC
Tuesday, June 2, 2020

2:00 p. m. – 4:00 p. m.

Virtual GoToMeeting

Member Attendees:

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

Alternate Members, Other Associate Agencies and Attendees:

Alan Leak (RESPEC)
Laura Chartrand (Chartrand Law, LLC)
Cathy Begej (JCD)
Diane Kielty (CO Watershed Assembly)
Mallory Hiss (CO Watershed Assembly)

Call to Order

A regular meeting of the Chatfield Watershed Authority TAC was called to order at 2:00 p.m. by Mary Kay Provaznik Chair. A quorum was declared established. There were no disclosures.

Action Items/Recommendation to Board

Mary Kay Provaznik & David Van Dellen

A. Agenda Approve

It was moved to approve the agenda as presented by David Van Dellen and seconded by Weston Martin; motion carried unanimously.

B. Approval of May 18, 2020 TAC Meeting Minutes

It was moved by David Van Dellen and seconded by Patrick O'Connell to approve the May 18, 2020 TAC meeting minutes as amended; motion carried unanimously.

C. Review/Approval of Invoices for Payment – None Received

Discussion Items

A. Technical

a) RESPEC (Alan Leak)

i. Lynker Update (Bill Szafranski)

Ready to start on Task 3: Using the Chatfield watershed model to analyze BMP strategies. Chatfield Watershed Authority members need to give direction to this task.

ii. Model Runs

RESPEC advises that the model most likely cannot run septic system information and that there is little room to change the model itself. Some members supported modeling phosphorus coming from wastewater treatment plants. Others considered wastewater treatment facilities as low-hanging fruit that entities already know how to regulate. It may be timely to look at wastewater treatment plants in 2021, since the Reg. 73 hearing may be in March 2021. Other suggested model runs were septic, if possible, and nonpoint source information. Chartrand Law noted that agricultural best management practices are most sensitive to being regulated in the 10-Year Roadmap. Denver Water and RESPEC discussed Lynker's Task 2 results showed developed areas and scrub-oak rangelands as the largest land use contributors to phosphorus & sediment loads. May want to run urbanization model runs. Town of Castle Rock would like the four points in the Chatfield watershed plan to guide the model runs.

Action Item: RESPEC speak with Lynker on proposed modeling ideas and return to the next TAC meeting with recommendations.

Action Item: Members email any more ideas for model runs to RESPEC.

iii. CSM Field Session Update

A client summary sheet with summary of the water quality results is in the packet. Results show: selenium is prolific throughout the watershed, very few instances of arsenic, high total coliforms, some exceedances for chloride, high incidence of dissolved organic carbon near golf course and Waucondah Reservoir in the upper watershed, high phosphorus/phosphates downstream of the wastewater treatment plant, and some instances of copper.

RESPEC considers this field session worthwhile and highly recommends asking for something similar from CSM next year, perhaps on East Plum Creek or other high phosphorus bodies of water that may lack data. Comment that some selenium is from overfertilization and some from wearing rock (natural). In a future study, CSM could explore which constituent is making up most of the selenium. This could become a capstone/senior project.

iv. USDA NWQI Update

This potential grant opportunity has a good chance of being applied to the Chatfield watershed for nonpoint source projects. Keeping in mind CWA may not be eligible to receive funding as a 208 agency, this grant can direct funding to other agencies for projects within the Chatfield watershed.

B. Regulatory / Legal (Laura Chartrand, Informational only)

a) Colorado

i. Water Quality Control Commission Rulemakings

- [10 Year Nutrient Management Road Map](#)

Triennial Review regarding Regulations 31, 32-38, and 85. The Road Map will mainly focus on the impact of the voluntary incentive programs and the potential need for modification of strategy prior to 2027. CSU's Clean Center has been modeling the impact of EQIP NRCS voluntary best management practices on water quality. Colorado Ag Water Alliance held a webinar to discuss outcomes. A CDPHE rulemaking hearing on adopting a PFAs narrative policy is in July. A CDPHE rulemaking hearing on amending the Reg. 11 storage tank cross connection control rule is in August. Aurora Water is a proponent of including oil & gas operations as an approved reclaimed water use under Reg. 84.

June 1 was a stakeholder meeting for input on policy and guidance documents on Reg's 22, 61, & 62: design approval reg's for wastewater treatment works.

- [CSU Clean Center/Reg. 85/Agriculture Conservation Practices](#)

ii. Colorado Litigation – [Challenge to the WOTUS 2020 Rule](#) and possible legislation providing CDPHE with authority to develop a dredge & fill program

a.k.a. "Clean Water 2020," "The Trump Rule," "Navigable Waters Rule"

A coalition of 17 other states filed to challenge this rule. Colorado filed separately.

CDPHE has drafted language for a program on dredge & fill permitting, which would fill the gap between the 2020 WOTUS Rule and what is currently under federal protection. Colorado Water Congress and Colorado Association of Homebuilders have expressed concerns: Will CDPHE continue to respect currently effective jurisdictional determination? Will the program be temporary or permanent? We can anticipate from the litigation that the Rule will likely be enjoined, which would bring Colorado back to the 2015 Rule. Some stakeholders want to wait and have rich stakeholder process, instead of the CDPHE's intention to passing the Rule through this current legislative session.

b) Federal

- i. April 2020 U.S. Supreme Court Decision in [County of Maui, Hawaii v. Hawaii Wildlife Fund](#) - "functional equivalent of a direct discharge." Supreme court took look at City of Maui's practices of wastewater reclamation: pumping partially-treated effluent through ore wells into the ground, where it flows in groundwater to the Pacific Ocean. The Supreme Court ruled this practice a "functional point source" discharge of pollution to navigable waters without the required permit. EPA or CDPHE may use this case as guidance of a gray perspective for what constitutes point source or NPS.
- ii. [America's Water Infrastructure Act of 2020](#)
Provides \$17 billion to invest in new infrastructure projects. Included is a provision for Army Corps of Engineers to expedite their review of certain projects. The Senate EPW committee voted unanimously and forwarded this bill to the Senate.

C. Financial (Ted Snailum)

- a) April Financial Summary
- b) 2020 Budget Amendments

Action Item: Create a two-year matrix for the Board to show that budget amendment recommendation is rearranged but unchanged over two years.

- c) 2021 Budget Discussion

Avoiding a special assessment and avoiding dues increase.

Action Item: Report to the Board July 20 that TAC has an action plan to move forward within budget. At this time, TAC is not looking at increasing dues in 2021 but is keeping a strong eye on 2022. TAC will present the full budget at the September 21 joint meeting.

D. Administrative (Diane Kielty)

- a) Check Policy Status

Action Item: Finalize Check Policy signatures and bank authorization form.

Parking Lot

- A. Refine cost-of-review policy process that will be responsive to requests
 - a) Manager work with RESPEC to bring forward a draft of revisions in 2020.
- B. Identify Potential Nonpoint Source Projects in Basin
 - a) Invite CDOT Mitigation Pool Manager to present on trade
 - b) Wildfire Mitigation / Blue Forest Conservation – approach, how to fund, who else might be funders.
- C. Presentation Recommendations
- D. Modify membership structure
 - a) Set special TAC agenda as a "Partners" meeting inviting all TAC partners
 - b) Develop policy for affiliate members to encourage membership or sponsorship
- E. What is CWA's mission?
 - a) TAC develop slogan and present to Board
 - b) Review and update CWA website section by section

Upcoming Meetings

- A. **Next Scheduled TAC Meeting:** Tuesday, July 7, 2020: 2:00 – 4:00 p.m., Virtual GoToMeeting
- B. **Next Scheduled Board Meeting:** Monday, July 20, 2020: 3:00 – 5:00 p.m. Virtual GoToMeeting