



Authority Board Chair: Lora Thomas  
Authority Board Vice-Chair: Laura Cavey  
TAC Chair: David Van Dellen  
TAC Vice-Chair: Weston Martin

# TAC Minutes

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

May 4, 2021

2:00 p. m. – 4:00 p. m.

### Member

#### Attendees:

David Van Dellen (Town of Castle Rock)  
Ryan Adrian (Douglas County)  
Matt Collitt (Louviers WSD)  
Bob Neal (Dominion WSD)  
Alison Witheridge (Denver Water)  
Weston Martin (Plum Creek)  
Barbara Biggs (Board and Rox)  
Bob Neal (Dominion Water & Sanitation District)

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

Bill Szafranski (Lynker)  
Alan Leak (RESPEC)  
Jennifer Charles (Tri-County)  
Bill Ruzzo (CRMC)  
Cathy Begej (JCD)  
Kris Wahlers (Chatfield State Park)  
Diane Kielty (CO Watershed Assembly)  
Elena Smith (CO Watershed Assembly)  
Jim Walker (Pine Canyon Representative)  
Kurt Walker (Pine Canyon Representative)  
Sarak Klahn (Somach Simmons and Dunn)  
Dan McCarl (Somach Simmons and Dunn)

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### 2:00 p.m. Authority TAC Call to Order

A regular meeting of the Chatfield Watershed Authority TAC was called to order at 2:02 p.m. by David Van Dellen, Chair. A quorum was declared established. There were no disclosures.

### Action Items/Recommendation to Board (Time 2:05 p.m. – 2:10 p.m.)

*David Van Dellen & Weston Martin*

#### A. Approval of Agenda

It was moved by Bob Neal and seconded by Wes Martin to approve the agenda as presented; motion carried unanimously.

#### B. Approval of April 6, 2021 TAC Meeting Minutes

It was moved by Bob Neal and seconded by Wes Martin to approve the April 6, 2021 TAC meeting minutes as presented; motion carried unanimously.

#### C. Review/Approval of Invoices for Payment - None Received

#### D. Action on Pine Canyon Site Application (Sarah Klahn) (**Attachment 2**)

Options for disposition of the Pine Canyon site application were presented and discussed including - deny on procedural grounds, consider on substantive grounds, or take no action. The Pine Canyon Site Application has changed to where the option they were considering for a Phosphorus trade is not possible. It may be worth considering the application be reviewed based on Regulation 22. CWA could wait to decide. Legal

counsel recommends handling this procedurally as it would typically be handled. There is no phosphorus trade for the site application. As Pine Canyon discusses next options with CDPHE the application will likely need to be revised. The amended application may be considerably different than the application we currently have in our system. If a substantially revised application comes in, the 60-day period will be based on that trigger. The application was originally incomplete. Additional information was submitted in December 2020, but it has not been considered yet.

The site application is currently on administrative hold at the Colorado Water Quality Control Division (Division). When do applications expire in the CWA system? There is no expiration period in the current process. If we deny at this time, will there be new costs? The applicant is responsible for all costs whether they start new or continue with the current application. Leaving the application open could create questions on new legislation requirements that may apply dependent on when the application is brought back to active review.

A LAMP, which is being discussed, may not require a phosphorus application. Question regarding LAMP criteria has been sent to the Division.

It was moved by Bob Neal to deny the Pine Canyon Site Application on procedural grounds given that there is no phosphorus allocation at this time and seconded by Wes Martin; motion carried unanimously.

#### **E. Actions on WQCC 2020 Annual Report Final Edits**

Comments were received and were addressed. One issue is remaining to be resolved regarding e. coli. The e. coli standard is based on a two-month average whereas some of the sampling sites only monitor quarterly. RESPEC is working to address this. The report and data was presented to the Board and approved subject to recommended changes including TAC comments. All recommended changes were made. Any additional changes or comments on what was presented are due by May 14<sup>th</sup>.

It was moved by Bob Neal and seconded by Wes Martin to approve the WQCC 2020 Annual Report as presented allowing for minor revisions; motion carried unanimously.

### **Discussion Items (Time 2:00 p.m. – 2:40 p.m.)**

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#### **A. CWA 2021 / 2022 Budget Discussion (Alan Leak) (*Attachment 3*)**

Staff believes there will be budget impacts due to the Regulation #73 rulemaking hearing next fall and other items that have been required. An initial draft adjusted budget was reviewed. This year's proposed budget increases are regarding legal and website costs. In 2022, the amount for the Technical Consultant shows an increase of \$5,000 for Reg. 73 Triennial review and Legal budget increases due to assumptions for the Triennial review. Staff will bring forward a revised draft budget during the next TAC meeting based on today's information. The review will be to discuss expenditures and a possible dues increase.

The detailed legal budget forecast was presented and discussed. Is TAC comfortable with the existing model. How much legal support do you want? For 2020 CWA planned \$29,000 in NPS expenditures. There is not money showing for extensive TMAL. Bringing the watershed and reservoir models together has been planned for in the 2022 – 2023 budget. Those numbers are included in this budget. If we are depleting our budget reserves through the rulemaking hearings, what type of increase forecast should we prepare for, a phased approach or planned effort to request a member due increase?

Staff can prepare a couple of options based on different additional dues scenarios and dropped project options. Barbara Biggs has spoken with TWS financial and they are willing to drop from a \$1,000 to a \$750 charge monthly.

## **Technical Updates (Time 2:40 p.m. – 3:55 p.m.)**

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### **A. Technical Member Updates**

- a) RESPEC (Alan Leak)
  - i) Triennial Review Update
    - Written-Comment Only Public Rulemaking Hearing – Dominion. The Division has scheduled a written comment only rulemaking for Dominion. CWA recommended we write a letter stating that we support the change. This would make the Dominion purchase of Roxborough official on the record. The Division has asked for input to prepare for the rulemaking hearing.
  - ii) 208 CDPHE Planning Update (*Attachment 5*)

A Tri-lakes meeting Doodle Poll has been sent to RESPEC and David Van Dellen to determine if there are areas of mutual interest we may want to address. The members would like to understand the tangible benefits of a 208-planning document. CWA has been open to the process but has made no public opinion on how this should result.
  - iii) CSM 2021 Field Session Update (*Attachment 6 & 7*)

RESPEC will be attending the site visit to confirm all sites for sampling. We will be attending a classroom pre-field session to present a PowerPoint on CWA objectives and a post-field session classroom results session to provide feedback. TAC found the information last year helpful and a great opportunity for the students.
- b) Chatfield Reservoir Mitigation Company

They have been discussing the possibilities of combining the Watershed and the Reservoir models. They will wait for us to make contact on this effort. RESPEC is meeting with Lynker in the next two weeks and will prepare for a discussion with CRMC.
- c) Other Member
  - i) Castle Rock Spring Up the Creek event happened. They are grateful for CWA support and it went well.

### **B. Legal Services Update (Sarah Klahn / Dan McCarl)**

- a) Pine Canyon Invoice Dispute Status Update (*Attachment 8*)

The outstanding invoices and current invoices for Pine Canyon have been paid in full.
- b) CWA TAC Letter to WQCD Regarding Consolidation Status Update (Sarah Klahn) – (*Attachment 9*)

The letter regarding consolidation that was revised has been submitted to the Division. This is encouragement to the Division to implement Reg. 22.
- c) Chatfield Policy Alignment Project Update

Somach will have suggested revisions to present at the next meet.

### **C. Financial Recap (Diane Kielty)**

- a) March 2021 Financial Summary (*Attachment 10*)
  - i) Chatfield Watershed Authority Dues Status

We have had problems contacting Larkspur. Recommendation to reach out to Sean Hogan the Town Clerk.

### **D. Manager's Update (Diane Kielty)**

- a) CWA Website Update (*Attachment 11*)

A quote for a website migration and update was provided. Squarespace is the preferred platform due to unlimited storage space and security managed by the platform.
- b) The RESPEC Contract Extension has been executed.
- c) General Referral Narrative (*Attachment 12*)

A uniform response would be ideal to ensure all requests are handled the same. A draft response was provided for TAC review. The final response language could be included in an online form once website

platform decisions are made. Legal will make a review of the suggested language and provide comment.

### **Upcoming Meetings (Time 3:55 p.m. – 4:00 p.m.)**

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#### **A. Next Scheduled TAC Meetings:**

- a) Tuesday, June 1, 2021: 2:00 – 4:00 p.m., GoToMeeting Online

#### **B. Next Scheduled Board Meeting:**

- a) Monday, July 19, 2021: 3:00 – 5:00 p.m., **TBD**

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#### **3:28 p.m. Adjournment of Meeting**

It was moved by Weston Martin and seconded by Bob Neal to adjourn; motion carried unanimously.

#### **Attachments**

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*Attachment 1 – TAC Minutes\_April 6 2021\_v2*

*Attachment 2 - April 29, 2021 Memo re JRW site application (00105493xD2C75)\_Final*

*Attachment 3 - Chatfield Watershed Authority Budget Planning Workbook 2022-2024 Version 5-4-2021*

*Attachment 4 - 73 WCRM Notice*

*Attachment 5 - CDPHE 208 Planning Roles and Contacts*

*Attachment 6 - 2021 CSM Field Session Objectives Revision 4-27*

*Attachment 7 - Itinerary CSM Field Session 2021 (updated 4-27-21)*

*Attachment 8 - PC Letter\_4\_15\_2021\_04152021 CWA cost recovery letter to PC (00104429xD2C75)*

*Attachment 9 - Letter to CDPHE\_Consolidation\_4\_21\_2021\_Final Signed*

*Attachment 10 - CWA March Financial Summary\_20210414100403*

*Attachment 11 - Website Platform Review*

*Attachment 12 - General Referral Request Response Language*