Authority Board Chair: Lora Thomas
Authority Board Vice-Chair: Laura Cavey
TAC Chair: Weston Martin
TAC Vice-Chair: Ryan Adrian

CHATFIELD WATERSHED AUTHORITY TAC MINUTES

Chatfield Watershed Authority TAC Meeting
Tuesday, November 1, 2022
2:00 p. m. – 4:00 p. m.

Member Attendees:
Weston Martin (PCWRA) Chair
Patrick O'Connell (Jefferson County)
Ryan Adrian (Douglas County) Vice-Chair
David Van Dellen (Town of Castle Rock)

Alternate Members, Other Associate Agencies & Attendees:
Alan Leak (RESPEC)
Michael Daugherty (Somach Simmons and Dunn)
Kirby Clark (PCWRA)
Kris Wahlers (DNR/CPW)
Diane Kielty (CWA)
Bill Szafranski (Lynker)
Kurt Walker (Pine Canyon)
Kevin Bierlein (Hydros)
Joni Nuttle (CDPHE)
Cathy Begij (JCD)

2:00 pm Call to Order

The regular TAC meeting was called to order at 2:03 pm by TAC Chair Wes Martin. There were no disclosures.

ACTION/APPROVAL ITEMS (2:05 P.M. – 2:30 P.M.)

A. APPROVAL OF AGENDA

A motion was made by Ryan Adrian to approve the Chatfield TAC November 1, 2022, Agenda and seconded by Patrick O'Connell. Motion carried unanimously.

B. APPROVAL OF MEETING MINUTES

Approval of Chatfield TAC October 4, 2022, Meeting Minutes

A motion was made by Patrick O'Connell to approve the Chatfield TAC October 4, 2022, meeting minutes and seconded by Ryan Adrian. Motion carried unanimously.

C. APPROVAL/RATIFICATION OF INVOICES

The table summarizes the invoices included in the meeting packet.

Total amount of invoices approved by CWA Manager was $11,068.03.

Invoices < $5,000 and within Budget and Scope (Manager's Approval)	
SSD General Chatfield Invoice 3015374_September 2022	$2,834.00
SSD WQCD-WQCC Chatfield Invoice 3015375_September 2022	$442.00
SSD Pine Canyon Chatfield Invoice 3015376_September 2022	$156.00
SSD Reg 73 Chatfield Invoice 3015377_September 2022	$52.00
SSD Lakes Nutrients 2022 Chatfield Invoice 3015378_September 2022	$2,119.03
RESPEC_W0035.22002-CWA-INV-30SEP22	$4,715.00
TWS Sept 2022 Inv_22033_from_TWS_FINANCIAL_INC._13420	$750.00
Credit_ Lynker_09 30 22 Chatfield_Watershed_Invoice	$1,450.00
Invoices $5,000 - $15,000 and within Budget and Scope (TAC Approval*)	
Invoices > $15,000 and/or any Amount not within Budget or Scope (Board Approval)	
*Also requires post-payment Board ratification at next quarterly Board Meeting	

D. Recommend 2023 CWA Budget to Board for Approval

Sacred Heart has been moved from member dues status to voluntary dues status.

The Lobbyist budget estimate is at $35.000. The lobbyist proposal selected is $24,000. Recommend the Board keep the budget at $35,000 for now and make adjustments if needed.

The number of TAC meetings allocated for the legal consultant is 4 hours per month. The Board did not provide additional comments.

A motion was made by David Van Dellen to recommend adopting the CWA 2023 budget as presented and seconded by Ryan Adrion. Motion carried unanimously.

E. Recommend Chatfield 2023 Meeting Schedule for Approval (Diane Kielty)

A motion was made by Patrick O'Connell to approve the 2023 meeting schedule as presented and second by David Van Dellen. Motion carried unanimously.

Discussion Items (2:30 p.m. – 3:15 p.m.)

A. Identifying source of Total Coliform in Sellers Gulch (Alan Leak)

There was a significant reduction in total coliform between 2021 and 2022. There was no determination of elicit discharge. Ryan Adrian has done additional research. The claim that it could be coming from the Fairgrounds was a concern. The facilities were investigated. No source was identified.

There is a trail near the confluence of Sellars Gulch and East Plum Creek where there is a beaver dam with a strong odor. This may be a place to conduct additional sampling. There are also two high rise apartments without common areas. Animals had been defecating in the area for a long time. There is signage to keep people out. Unsure if this has been helpful. Please prompt CSM to bring issues to TAC to resolve before they are presented to the Board.

The town did investigate the sewage manholes and found nothing at that time. The town may need to respond formally on this issue. The main sewar interceptor runs along the corridor. It is a difficult live line to video. They do intend to perform this service. There is also a discharge from the County detention pond. The town ran samples in the same location as CSM and have found positives. They did not run values. If there is an opportunity for speciation it would be useful. There is an additional line item for monitoring in the budget that could be used for speciation in that area.

Action: RESPEC will get a cost estimate for a speciation study in the Sellars Gulch location

B. Lakes Nutrients Criteria Rulemaking (Michael Daugherty & Alan Leak)

CWA's pre-hearing statement is due on December 23rd. A summary of possible actions that could be taken by the Authority was provided by SSD in the meeting packet. CDPHE provided a spreadsheet showing Chatfield's nitrogen levels over the past 17 years, but there is no total nitrogen number for Chatfield. The average over 11 years for Chatfield is a total nitrogen of 537. The proposed standard for Chatfield is 380. If this number is adopted, Chatfield would not be in compliance. Cherry Creek's cost estimate to develop a site-specific value is approximately $90,000 - $100,000.

TAC consensus is to not support the Division's proposed TN standard for Chatfield. The burden of proof is in the data and procedure in determining the standard. The TAC recommendation is to pursue a site-specific standard without having a specific date identified to establish that standard. The current budget does not allocate money toward creating a site-specific standard. CWA has been working on finalizing the TMDL, which has a target for completion of 2026. The goal after this is complete could be to identify a site-specific TN standard around 2027, if Chatfield receives a funding source. Chatfield has unique characteristics involved in meeting a site-specific standard, given it has both cold and warm water sources. Chatfield is classified as a cold-water reservoir. Chatfield is in compliance now and plans to move forward in a sequence. Request no standard until Chatfield develops a site-specific standard.

A motion was made by David Van Dellen and seconded by Patrick O'Connell to direct SSD to draft a prehearing statement for the WQCC's Lakes Nutrients rulemaking that indicates CWA takes the following position regarding the Division's proposed TN standard for Chatfield Reservoir: Request a site-specific standard for Chatfield that will be developed after other Chatfield modeling is finalized around

2026-2027. Recommend the CWA Board of Directors vote at the November 14, 2022, Board of Directors meeting in support of CWA's position as determined by TAC.

UPDATES (3:15 P.M. – 3:55 P.M.)

A. TECHNICAL (ALAN LEAK)

1. Response actions to Sun Jelly WWTD wasteload allocation violations update – No update.
2. Lynker Modeling Update - A draft memo was included in the TAC packet. The model was built to simulate total phosphorus loading in the Chatfield watershed. The point source model results may or may not impact CWA's final position in the Lakes Nutrients Criteria hearing. RESPEC asked TAC to review the memo and make comments with the goal to have a final technical memo prepared for approval at the December TAC meeting.
3. Chatfield Reservoir Mitigation Company Update – No update.
4. Other Member – There was discussion regarding a letter from CPW for support of a perpetual water lease that is completely voluntary. A Letter of Concurrence was sent to the impacted counties, Jefferson and Douglas. This would be to fill existing CPW storage. It would support the fishery source in the South Platte during low-flow periods and hatcheries. CPW has ability to store water, but they have very junior water rights. Goal is to maintain steady flows and support hatchery development. CPW would like to have this letter finalized by the end of 2022. In the long-term this could be beneficial to Chatfield as well.

B. LEGAL (MICHAEL DAUGHERTY)

A. Regulatory Update – Regulation #73 is postponed.

B. Lobbyist Update – The RFQ was included in the TAC meeting packet. Steve Balcerovich and Amy Attwood is the lobbyist group chosen to represent CWA for seeking a dedicated revenue source for the Authority. A meeting was held on Monday with this group to develop a scope of work. The contract is in draft from. The lobbyists are going to refine the scope and bring it to the next Board meeting.

Action: Manager contact Steve Balcerovich to get list together for the scope prior to the November board meeting and move forward on contracting. There is a suggested 5-year limit on the funding for this contract.

C. MANAGER (DIANE KIELTY)

1. Chatfield Board W&S and Other Elections Update – Request made to W&S members and Other members to return your ballots. We need a quorum.

D. Financial (Diane Kielty)

1. August Financial Summary – Summary provided in the meeting packet.

E. Executive Session

24-6-402(4)(b) C.R.S. Conferences with an attorney for the purpose of receiving legal advice on specific legal questions.

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

A. *Next Scheduled TAC Meetings:*

a) Tuesday, December 6th, 2022: 2:00 – 4:00 p.m., Google Meet Online

B. *Next Scheduled Board Meeting:*

a) Monday, November 14, 2022: 3:00 – 5:00 p.m., Hybrid Live & Online

Hybrid | Live & Virtual

A WebEx link to the virtual room will be sent to you individually before the meeting. The link will come from Douglas County.

Live at Highland Heritage Park Administration Building, 9651 S Quebec St., Highlands Ranch, CO 80130 80129

3:29 p.m. Adjournment