

PLUM CREEK WATER RECLAMATION AUTHORITY
4255 N. US Hwy 85, Castle Rock, CO 80108
REGULAR MEETING MINUTES
Held in person and GoToMeeting
March 01, 2023

CALL TO ORDER:

7:30 a.m.

ATTENDEES:

Mark Marlowe, Josh Shackelford and Nathan Travis, Board Members; Roy Gallea and Richard Munday, Alternate Board Members; Wes Martin, Authority Manager; Kirby Clark, Assistant Authority Manager; Lissa Oelkers, Director of Administrative Services; Patou Griggs, Industrial Pretreatment Manager; Alyse Billick, Administrative Assistant; Darryl Farrington, Semple, Farrington, Everall & Case, PC; David Van Dellen, Assistant Director of Castle Rock Water; Gabe Racz, Vranesh and Raisch.

ANNOUNCEMENT OF QUORUM:

Quorum present.

APPROVAL OF AGENDA:

Mr. Martin requested that Discussion item 6: Lakes Nutrient Response with Gabe Racz, Vranesh & Raisch, followed by the executive session with PCWRA attorney Darryl Farrington be moved to the beginning of the meeting as both Mr. Racz and Mr. Farrington had other engagements. Dir. Marlowe moved to approve the agenda as amended. Dir. Travis seconded the motion. The motion was unanimously approved.

DISCUSSION ITEMS:

LAKES NUTRIENT RESPONSE (GABE RACZ):

The rebuttal submitted by PCWRA to the Water Quality Control Commission (WQCC), as well as a joint motion to extend the lake nutrient hearing was declined on Friday. Mr. Racz informed the board that PCWRA's rebuttal focused on the proposed revisions for lake nutrient standards in Chatfield and the high cost to achieve the proposed total nitrogen levels. In response, the Division filed their own rebuttal recalculating the values for Chatfield at a higher level however, they are still proposing the lower values. There was some progress made when the Division stated in their rebuttal that they are open to discussing these limits in the future, however more progress is unlikely due to the limited amount of time left until the April 10, 2023 hearing. PCWRA has been working with the South Metro and Centennial to come up with an approach to obtain more time so a site-specific standard for Chatfield can be achieved. Mr. Racz has drafted a letter to the Legislators and the governor's office in an attempt to convince the Division that with enough time, there is the possibility of achievable standards for all the involved parties. Mr. Martin and Mr. Racz will be attending a meeting with the Colorado legislature next Wednesday where they expect to make a public comment. The Division is also expected to propose a bill for an increase in fees for discharge permits. There was then discussion about the members sending additional letters to the Division. Upon inquiry regarding whether prior notification should be given to CDPHE that a letter would go to the governor, Mr. Martin stated that during his meeting with Centennial Water and Sanitation, Nicole Rowan and Nathan Moore, CDPHE, were informed that a letter might be sent.

Mr. Racz excused himself from the meeting at 7:55 a.m.

EXECUTIVE SESSION

Dir. Marlowe moved to enter into Executive Session to discuss legal issues pertaining to the Carollo filter evaluation with PCWRA attorney as authorized by CRS 24-6-402(4)(b), conference with attorney regarding legal issues. Dir. Travis seconded the motion. The motion was unanimously approved. The Executive Session began at 7:56 a.m. Attendees included Dir. Marlowe, Dir. Shackelford, Dir. Travis, Alt. Gallea, Alt. Munday, Mr. VanDellen, Mr. Martin, Mr. Clark, Mr. Farrington, Ms. Oelkers, Mr. Griggs and Ms. Billick.

Executive Session CRS 24-6-402(4)(b) concluded at 8:26 a.m.

PUBLIC COMMENT:

The meeting reconvened at 8:28.
Dir. Marlowe introduced Mr. Van Dellen as the new Assistant Director of Castle Rock Water.

ACTION ITEMS:

MINUTES OF JANUARY 25, 2023, REGULAR BOARD MEETING:

Dir. Marlowe moved to approve the minutes of January 25, 2023, regular board meeting. Dir. Travis seconded the motion. The motion was unanimously approved.

PAYABLES FOR THE PERIOD ENDING DECEMBER 31, 2022 & JANUARY 31, 2023:

Mr. Martin discussed payment of \$27,492.50 to Brown and Caldwell for the evaluation of the lake nutrient criteria, \$9,609.19 to Emergency Pipe Repairs and Excavating for a potable water line sag in the parking lot, \$5,800 to Keller North America to fill the void under the biosolids trailer bays, and \$10,593.00 to Rotating Mechanical Solutions for the positive displacement blower for the reuse reservoir for a total of \$59,340.74 for the December 2022 payables. He also mentioned, \$8,461.00 to Equipment Maintenance Technicians for repairs to the front-end loader among the total of \$507,672.35 for the January 2023 payables. In addition, there was \$67.50 payment to Carollo for the filter performance evaluation from the 3.0 expansion escrow fund for a grand total of \$567,80.59. Dir. Marlowe moved to approve the December 2022, January 2023 payables, and 3.0 Expansion payables. Dir. Travis seconded the motion. The motion was unanimously approved. Dir. Shackelford then requested staff to provide a 2022 financial summary for PCWRA at the next meeting.

APPROVAL OF UPDATE TO PCWRA'S INDUSTRIAL PRETREATMENT RULES AND REGULATIONS COST BENEFIT ANALYSIS:

After discussion at the previous board meeting, staff recommended adding the coffee category to the cost benefit analysis. Dir. Marlowe moved to approve the update to PCWRA's industrial pretreatment rules and regulations cost benefit analysis. Dir. Travis seconded the motion. The motion was unanimously approved.

OTHER ACTION ITEMS:

None.

DISCUSSION ITEMS:

REGIONAL WASTEWATER/WATER PLAN UPDATE:

Castle Rock Water met with Douglas County Commissioners and are making progress on the intergovernmental agreement (IGA) to move forward with the regional wastewater project which now has two options. The first option of installing a wastewater force main to pump wastewater back to PCWRA for treatment and the second to build a regional plant in Louviers. The later seems to make the most financial sense and is supported by the county. The IGA could get approval in early April with design work beginning immediately. Mr. Marlowe stated he would like the board to consider an operations and maintenance contract with PCWRA for the regional plant concept. This would alleviate capital risks for PCWRA. He also recommends there be a technical contract with PCWRA in order for Mr. Martin and his staff to be involved in the design of the new plant. Discussion ensued regarding the current processes of the plant, the amount of wastewater potentially to be treated, and permitting.

DIRECT POTABLE REUSE:

The proposed testing and sampling locations are being evaluated. The Town has a draft report on what direct potable reuse (DPR) will mean financially and intends to proceed with at least the first phase. If CDPHE is amenable, DPR permitting may be considered as a drought contingency. The Town will develop a five-year plan that would allow for them to pursue DPR if it turns out to be a cost effective option.

REUSE RESERVOIR REHAB PROJECT UPDATE:

PCWRA hasn't received a response regarding the SRF loan and may not receive a response until June or July, but the Colorado Water Resources and Power Development Authority (CWRPDA) are in support of the project. Most of the available funding for

the SRF Loans has been spent on larger projects, but there still is a possibility of a conventional SRF or an alternative method to fund the project. After funding has been secured, PCWRA will seek board approval, obtain agreements, and begin selecting a contractor.

MANAGEMENT REPORT:

Plant Updates

Staff believes an unknown substance caused an issue with the nitrifying bacteria in the plant, however the plant is recovering, and ammonia levels are back to normal.

PCWRA is working with Moltz and Burns & McDonald to fix the ThermAer tanks after caulking came loose which has caused some odor complaints from neighbors. Staff is waiting for pricing on three options to fix the ThermAer tanks permanently.

Norman Joslyn, PCWRA's neighbor, contacted Mr. Martin with an issue with his property being named on a PCWRA contract with Sprint. Upon research with the assessor's office, Mr. Joslyn is correct therefore staff is working to rectify the issue.

Ryan Adrian, Douglas County, is requesting funds for the County's Household Hazardous Waste Round-up. PCWRA previously contributed \$33,000 a year to the old program as well as provided staffing. Douglas County is now providing a program where consumers can arrange pickup or arrange disposal at a location in Denver. A report will be provided to PCWRA regarding the success of the 2023 program and will be brought to the board. Staff believes that this program is very important to keep unwanted substances out of the sewers and ground in order to protect drinking water.

CDPHE Update

Andrew Sayers is the new CDPHE Permits Section Manager. He previously did regulatory work in Alaska and site remediation in California.

The EPA has tightened the requirements on the CDPHE permit backlog and inspections. The fee bill and general fund request from the governor are asking for additional staff. When asked if this funding would get rid of the backlog, they stated that this would allow them to not get further behind. The CDPHE is looking at adding 31 staff members in 2023 and an additional 30 in 2024. If this legislation is passed, there will be an 8% increase in permit fees to keep up with the current price index. It was brought to the CDPHE's attention by Barbra Biggs, Roxborough Water and Sanitation and Julie Tinetti, Centennial Water and Sanitation, that if the CDPHE wants support from the utility companies for these two efforts, they need to work with them on the current lake nutrient situation.

Mr. Martin would like to short list the RFP for the utility plan update. This list would include Carollo, Jacobs, Dewberry, Brown & Caldwell and Kennedy/Jenks. These engineers already have experience with PCWRA and know its processes. Discussion ensued regarding implementing a prequalification or master services agreement for PCWRA to keep an engineer short list at the ready for smaller projects. There was board consensus on the five suggested engineers for short list on the utility plan update.

OTHER DISCUSSION ITEMS:

None.

ADJOURNMENT

There being no further business to come before the board, Dir. Shackelford declared the meeting adjourned at 8:57 a.m.



Joshua Shackelford, President


PLUM CREEK WATER RECLAMATION AUTHORITY

**ATTORNEY'S STATEMENT RE:
MINUTES OF THE EXECUTIVE SESSION
OF THE BOARD OF DIRECTORS**

March 1, 2023

I, Darryl L. Farrington, herewith make the following signed statement in accordance with Section 24-6-402(2)(d.5)(II)(B), C.R.S.:

1. I am an attorney serving as general counsel to the local public body of the Plum Creek Water Reclamation Authority (PCWRA), Douglas County, Colorado.
2. The Board of Directors of PCWRA met with me in executive session during the regular PCWRA board meeting on Wednesday, March 1, 2023, at the offices of PCWRA pursuant to Section 24-6-402(4)(b), (conference with attorney for local public body to receive advice on specific legal questions). I attended the meeting remotely via video platform.
3. The purpose of my being present in the executive session was to participate in discussions and give legal advice concerning the Carollo filter evaluation. The portion of the executive session in which I participated lasted from approximately 7:56 a.m. to 8:26 a.m.
4. The portion of the above-referenced executive session in which I participated was not recorded based upon my opinion that the entire discussion that took place constituted privileged attorney-client communication.



Darryl L. Farrington
Attorney for PCWRA