

Barr Lake/Milton Reservoir Watershed Association  
 BMW Board Meeting  
 June 24<sup>th</sup>, 2014 9:00am – 11:30pm  
 Metro Wastewater Reclamation District, Denver, CO

**Minutes**

**Board Attendance:**

Sarah Reeves – Brown and Caldwell  
 Shelley Stanley – Big Dry Creek WA  
 Amy Woodis - Metro  
 Tim Grotheer – Centennial  
 Laurie Rink – FRICO

Dennis Stowe – L/E

**Public Attendance:**

Amy Conklin – BMW Coordinator  
 Nicole Muelle – Brownstein Hyatt  
 Hope Dalton – Tri-County Health

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Laurie welcomed the group and everyone introduced themselves.

**Adoption of the Financial Policy** – The order of items on the agenda was revised with the Financial Policy discussed first. The Board gave a Thumbs Up approval to the revised policy included in the packet. The Board decided that the Financial Policy, along with the Conflict of Interest Policy and the Document Policy would be reviewed each year along with the tax return. **Amy C** was instructed to add policy review to the Board schedule.

**Updates/Action Items**

Hope Dalton reported on the algae problems at Cherry Creek Reservoir. Because the newly hired lake modeler wanted to get better data on how Cherry Creek Reservoir behaves when there is no aeration, the Cherry Creek Basin Water Quality Authority Board decided to turn off the aeration pumps this season to see what would happen to algal growth without aeration. The cyanobacteria (aka blue-green algae) have been growing more than they did when the lake was aerated. Because of the neuro toxin concerns with cyanobacteria, Tri County Health is tracking the impacts of the cyanobacteria bloom. In the last two weeks, exposure to the algae has been documented to have killed a goose. It is a surprise that the algal blooms would occur so early in the season. For mechanical reasons, it is not advisable to turn the aerators on mid-season. Because the water quality standards for Cherry Creek reservoir are established for Chlorophyll a, and cyanobacteria don't contain much Chlorophyll a, it is possible that Cherry Creek Reservoir could attain their water quality standards because of the cyanobacteria blooms, although that is unlikely. The group expressed a desire to learn as much as possible from the Cherry Creek experience. Hope also reported that Bear Creek Watershed Association did not get a permit to apply Phoslock in Bear Creek Lake.

- Chair's Report – The Chair had nothing to report this month
- Treasurer's Report - Amy C reported for Blair that as of May 31<sup>st</sup> BMW had a balance of **\$161,724.60**. We've received 13 membership dues totaling \$74,800, with 9 outstanding. Chris Douglass reported that United Water may be interested in contributing at a Sustaining level. **Chris** will follow up with United. We need to establish the number of sustaining members 30 days before Annual meeting to determine the make up of the Board for the following year. **Amy C** will send Tim Grotheer a reminder about Centennial's Dues.
- Technical Committee

- Limnocorrals – Steve Lundt reported that the limnocorrals are installed and were treated with alum on June 3<sup>rd</sup>. Two limnocorrals will be treated with alum and 2 will be treated with alluminate so as not to change the alkalinity. The corrals are not yet sitting on the bottom of the lake because it's so deep. The corrals are stratified. The corrals are very clear with total Phosphorus reduced to about 130 ug/L inside the corrals. So far so good the corrals are staying in place and doing well.
- In Canal Feasibility – The Board needs to discuss how to engage the Water Quality Control Division (WQCD) in the discussion about in canal treatment. Harvey Harper is working on the interim report and has begun to identify treatment options. Once the interim report is drafted, and the Board and Technical Committee have had time to review it, it may be time to meet with the WQCD to keep them informed and prepared for a permit application. The Board discussed how best to involve the WQCD.

The interim report will present a list of options with recommendations. If we get a report in July, we might be able to take action in September. The group suggested talking with Dick Parachini and asking him who else would be important to bring into the discussion. **Laurie** will follow up with Dick Parachini about which personnel to include and scheduling a meeting. The Board discussed getting in the queue for a permit but decided not to proceed until we know that we'll need a permit. The first interaction with the WQCD may be a briefing to them about the in-canal treatment options. It would probably be best to have Harvey Harper make a presentation to the WQCD in person. **The Technical Committee** will discuss the interim report and develop a suggested timeline. Laurie is keeping FRICO involved. We want to be sure to involve them in future discussion.

- Carp Removal – Steve reported that they had good results capturing carp in Milton. Based on the results, he estimates that there are 3,200 carp in Milton with most being fairly small, probably because they're only about 5 years old, entering the lake in 2009 when the reservoir was drained. At Barr Lake, there are probably 20,000 to 30,000 carp that were adept at avoiding nets. None were recaptured so it's not possible to make an estimate. Steve is in contact with Paul Winkle and will alert him when the lake is getting low enough to attempt the carp removal. Because FRICO has to perform maintenance on the dam structure, he is hopeful that the harvest can take place this year. The harvested carp will be sent to a composting facility. The total pounds of carp removed will be measured and the amount of Phosphorus in a representative carp will be measured so we can estimate the pounds of Phosphorus removed during the harvest. Even though we can't remove all the carp, they act like a pump both stirring up the sediments releasing Phosphorus and by secreting Phosphorus. **Steve** will send Amy C photos of the carp in the nets.
- I & E
  - **Barr Lake Appreciation Day (LAD) is July 12<sup>th</sup>**. Shoreline clean up, removing noxious weeds, with a BBQ lunch and activities in the afternoon are planned for the day. BMW will have our booth with the T-shirt machine. Anyone who wants to participate should contact Steve.

- Steve sent Laurie a template for a revised BMW newsletter that may be sent out quarterly. The quarterly version may be longer but will be applicable for email and cell phone access. **Laurie and Steve** will continue to work on the new format.
- The I&E committee has spent \$3,300 of their \$8,800 budget and are unlikely to spend the entire budget. There are several events coming up in the fall that will need to be staffed. Steve is hoping some of the BMW members may have employees that work on Saturdays and will be willing to work at some of the weekend events.
- Update on website changes – This will be discussed at the early July I&E meeting. The **I&E Committee** will also be working on a mission statement.
- Brochure – **The I&E committee** will be discussing revisions to the brochure as well.
- Coordinator Updates (Amy C.)
  - Approval of May Minutes. Thumbs up approval.
  - Grants –
    - Stormwater Council – Amy reported that she will be meeting with the Stormwater Council tomorrow for their discussion of pursuing a Water Supply Reserve Account grant to implement water quality messaging. She will keep the Board informed of their progress.
    - Grant wrap up meeting held on **June 12, 2014**. Amy went over the highlights of the grant presentation. The Board expressed their appreciation for all the hard work put into the grant effort. We are very pleased with the project.

**Continuing Implementation Discussion** – The Board assigned itself topics to research and report back on as part of the Implementation Plan and gave itself a deadline for the June meeting. **Amy C** will make this a recurring item for future agendas.

- **Publicly Owned Treatment Works (POTW) Task Group** – Laurie and Sarah worked together to request information about cost/benefit analysis information. Metro Wastewater Reclamation District and Centennial Water and Sanitation District responded about their progress implementing Regulation 85. The first response came from Fort Lupton who responded that they would have information on their plans by the end of the year. **Laurie** will forward the information she's received so far to Sarah. Amy Woodis said that Metro has drafted their plan and it will be released soon.
- **MS4 Task Group** – Laurie reported that she had a conversation with Jill Piatt-Kemper where she learned that the MS4 community began conversations with the WQCD about the monitoring requirements in the Phase 2 MS4 permits. The MS4 permit holders' argument is that for stormwater there is no baseline and no proven technologies for treatment and there is no way to effectively monitor the effects of stormwater treatment. The WQCD agreed that the stormwater community is doing the best they can to implement the BMPs, especially compared to other communities across the country. A Data Gap Analysis report will be presented to the WQCD and then to the Water Quality Control Commission (WQCC) which the MS4 permit holders hope will establish that the stormwater treatment being implemented in Denver is consistent with what is being done in the rest of the country and the treatment is as effective as it can be. The MS4 permit holders would rather spend the money on education and outreach activities as they believe that will be more effective.

The most current draft of the Phase 2 MS4 permit compliance guidance contains language specific to BMW's TMDL. The language states that there is no need for additional

monitoring; the 20% reduction in our TMDL will be done through education and outreach. Jill offered to come and talk to the BMW Board, if we'd like. After some discussion, the Board concluded that **Laurie** will contact Jill Piatt-Kemper and invite her to attend a BMW meeting and have a conversation with us about language drafted below:

*The Barr Milton Watershed Association is making progress on the Implementation Plan for the Barr Lake and Milton Reservoir pH and DO TMDLs. As part of that effort, we are considering regulations, agreements, and permits that may impact the work of BMW in meeting TMDL goals. We recently reviewed the draft MS4 Phase 2 Colorado Discharge Permit System (CDPS), permit number COR090000, and language associated with the Barr Lake and Milton Reservoir pH and DO TMDLs. Specifically, page 8 of the Fact Sheet states that "The TMDL focuses on a required 20% reduction in target load of total phosphorous for MS4 Regulated Areas for both Barr and Milton. . . The Division's determination is that the Effluent Limitations in the Post Construction section of the permit that require Control Measure be implemented for redevelopment will result in controls being implemented that are adequate to meet this load reduction." The Phased TMDL and Adaptive Implementation Plan acknowledge that there is uncertainty about the overall goal of the TMDL and that the load and wasteload reductions will be implemented in a stepwise approach, starting with POTWs and industrial dischargers implementing Regulation 85 permit limits. The BMW supports the continued implementation of existing identified stormwater control measures for redevelopment during the permit term of this draft permit. However, we are concerned with the language stated above that equates the current control measures implementation with meeting the required 20% additional reduction in phosphorus in the TMDL. The BMW would like to continue work during the current permit term to determine whether we can expect 20% removal of phosphorus from stormwater by implementing the current control measures or whether additional BMPs would need to be implemented to meet this reduction. We suggest altering the language to read: "The Division's expectation is that the Effluent Limitations in the Post Construction section of the permit that require Control Measures be implemented for redevelopment will continue to result in increased reductions of phosphorus. BMW will continue progress on the adaptive Implementation Plan and the results of this effort with regard to stormwater will be reviewed for permit renewal in the next permit term."*

*We appreciate the opportunity to provide our input on the draft MS4 Phase 2 CDPS permit where it concerns BMW. We are happy to discuss this concern with you and other stakeholders.*

The language above will either be submitted as comments to the permit, if the comment period is still open, or it may be submitted to the WQCD separately. **Laurie** will inquire whether or not the comment period has closed. The Board also discussed looking for an opportunity to participate in a BMP one of the MS4 permit holders is building. BMW could provide pre- and post-construction sampling as an in-kind donation. **Laurie** will ask Jill if she would provide us with the Capitol Improvement Plans of MS4 permit holders in our basin.

- NPS Task Force – Shelley Stanley recruited Hope Dalton to be part of the task force. Hope sent Shelley information on OWTS for septic systems in the watershed. Hope reported that she's not sure they can track ISDS permits by watershed but they can provide an electronic GIS layer of where the ISDS's are. Most of the other watersheds use nonspecific language to discuss the contributions from ISDSs. Shelley has contacted Randy Ristau but has not heard back from him. Laurie checks the NPS permit listing each month to see if there is any NPS permit activity in our watershed. Steve suggested that **Shelley** might want to contact Al Polonsky who is getting the Denver Parks Department to use Phosphorus free fertilizers. The task force will meet and brainstorm ideas for the NPS effort.
- BMW Technical Committee – Steve Lundt reported on their activities earlier. The committee is also considering source reduction and in lake treatment. The Technical Committee has a broad list of potential in-lake treatments that will be updated.
- Pollutant Trading Task Group – Tim Grotheer reported that 190 pounds of Phosphorus have been traded in the 25 years of the Chatfield Watershed Authority's existence. The Chatfield group has language about nutrient trading that we can review. The cost of conducting a trade may be prohibitive because it is often cheaper just to treat the Phosphorus rather than working through the regulatory bureaucracy to document a trade. The trades are generally geared towards smaller entities and it can allow for growth. Because nonpoint sources are unregulated, and a nonpoint to point source trade becomes part of the permit, it is rarely effective to trade nonpoint to point source. Until we have a control regulation, we can't move forward with trading. It is an important tool to consider moving forward. Ronda Sandquist may have some additional comments. **Nicole** will follow up with Ronda.
- Use Attainability Assessment (UAA) – Amy Woodis prepared a hand out on UAA. A UAA needs to demonstrate that the use is being protected even if the standards are not being met. This might be particularly appropriate for a proposal to use the Nitrogen to Phosphorus (N:P) ratio rather than Nitrogen or Phosphorus measurements directly. We may want to consider near field and far field effects (e.g. Metro thinks of Milton as far field effect; EPA considers Gulf of Mexico as far field). Total Nitrogen will need to be evaluated in the future but we should start now because it is so complicated. The South Platte model is beginning that evaluation and includes the N:P ratio evaluation. An evaluation of how Chlorophyll a impacts uses will also need to be considered. In order to get site specific standards, UAAs will be required. A UAA study may also be required for a Control Regulation. The Control Regulation is primarily a tool to control nonpoint sources in order to comply with the TMDL. Both UAAs and Control Regulations are very time intensive and expensive options to keep in mind for future efforts.

The Board concluded that we need to have a plan for trying to meet the Nitrogen and Phosphorus targets in the TMDL between now and 2025, even though we're pretty sure they can't be met. We are working to identify what POTWs and MS4s are doing to reduce phosphorus loading. We will need to reach trigger points before Trading Policies, UAAs and Control Regulations become useful options. **Amy C** was instructed to keep the Implementation Discussion as an agenda item for July. The discussions will help the Board organize their thoughts but they might not be useful in a regulatory context.

### Next Meeting

- Technical Committee meeting – **June 26<sup>th</sup>, 2014**

- Board Meeting – **July 22<sup>nd</sup>, 2014**
- I & E Opportunities – **July 12<sup>th</sup>, Barr Lake Appreciation Day**

**Post Meeting Comments:**

Steve reported that he sampled Barr Lake on May 27<sup>th</sup> and the clarity was a record 8.2 meters. He thinks that may be because the flooding created a circumstance where Barr Lake has been filled with different water than usual. He reported that the pH is below 8. The South Platte has been a free river for most of the year.