

Barr Lake/Milton Reservoir Watershed Association
 BMW Board Meeting
 January 26th, 2021 9:00 am – Noon
 Zoom

Minutes

Board Attendance:

Steve Lundt – Metro (Vice-Chair)
 Dan DeLaughter – South Platte Renew
 (Chair)
 Sarah Reeves -SPCURE
 Erin Jenkins – S. P. Renew
 Chris Douglass – ECCV (Treasurer)
 Curt Bauers – FRICO
 Brad Cox – Denver
 James Boswell – Thornton (Secretary)

Kelly DiNatale – United Water
 Julie Tinetti – Centennial
 Michelle Seubert – CPW
 Katie Koplitz – Metro
 Brandy DeLange – Metro
 Donny Roush – Denver
 JM Grenbenc – South Adams County

Public Attendance:

Amy Conklin – BMW Coordinator

Steve worked his magic and got the virtual meeting started. No burritos again. Soon!

Board Schedule – Amy reviewed the schedule she drafted for the Board for 2021. The Board commented that draft criteria for nutrients in lakes are likely to come out in November 2021. Steve will continue to give updates from working group and that should be added to the schedule. The hearing on the draft criteria will be in November of 2022. Amy requested that the **IP Committee** also note that they are scheduled to report on their progress at most meetings.

Implementation Plan Update –Erin reported that there is a draft of the one page summary and she'll send it to Amy. The subcommittee is reviewing the plan next week.

Grant Updates – Amy reported that she will be submitting an application for a Five Star Urban Waters grant tomorrow. The application request \$40,000 with more than \$64,000 in pledged cash and in kind match. Award notifications will be shared in August of 2021.

Consultant Update – Dan reminded the group that we discussed retaining a consultant in December. The consultant would track discharge permits, lift stations, regulatory changes and policies, impairment designations, etc. We get a handful of these issues every year. BMW should hire its own consultant to track these issues.

The concept is that we would have an on-call contract with someone. Dan started a statement of qualifications but felt it was too long for the \$5,000 we have for the effort. Maybe a statement of interest would be more appropriate with a Conflict of Interest statement. Dan shared his thinking on screen. Steve asked if we could add limnological expertise. Amy asked if we could add website expertise. Dan envisions an on-call, not-to-exceed, contract with work orders for specific tasks. The estimated amount is about \$10,000 but it could be increased if limnological and other efforts are added. Concern was expressed that the amount of money wouldn't be enough to get any good firms. Maybe we just pick one or two firms and talk to them. The work Dan has done will be helpful in talking to firms but maybe we just pick them.

The Board discussed if there would be a conflict of interest if Brown and Caldwell were approached to be the consultant. If Sarah recused herself from any decisions that involved their work, that would resolve the conflict. **Dan and Sarah** will chat offline to see what the relationship would look like.

Banking Update – Chris reported that we have \$256,000 in the BMW bank accounts. Amy and Chris have researched other banks and are recommending First bank. There was a Thumbs Up vote to migrate our bank account to First Bank. **Chris** will look into the liability associated with our account being above the \$250,000 limit insured by the FDIC.

MS4 Permit Renewal – Brad reported that Denver got it's new permit on Dec. 31st. They had a few meetings with WQCD in mid-December so that Denver could receive updates on changes from the draft permit. The final permit is very prescriptive. It's been 11 years since the last renewal but the changes are pretty extreme. They've been comparing the draft version of the permit to the final. Denver is challenged to meet the permit requirements. They have until Friday 29 Jan to go through the adjudication process. There are at least eight (8) requirements that don't help water quality but take up a lot of their time, according to Brad.

It remains unclear if Denver is allotted the entire MS4 permit limit in the TMDL. There is a requirement for P reduction strategy. Denver's involvement with BMW is noted. The P reduction plan involves a public notice process. There are also physical and non-structural controls to reduce P included. They need their own IP that will go to public notice. They have to achieve 20% reduction within 10 years based on a baseline condition that will begin with data they start collecting now.

The required 20% reduction is based on TMDL or current loading. Since 2013, there probably have been reductions in loading from stormwater controls Denver has implemented. He hopes they get credit for reductions they've achieved.

There are still construction inspection requirements that will cost millions of dollars with annual increases of at least \$500,000. There's a potential of needing to hire around five (5) additional employees. The public education and outreach requirements are very similar to those in the Phase 2 MS4 permit. They include passive and active activities along with targeting businesses that are prone to illicit discharges. Brad expressed his confidence in Donny Roush to fulfill those requirements.

Denver remains concerned about the specter of enforcement actions such as those in Colorado Springs. While Denver understands that they are part of the TMDL, they do not directly discharge to Barr or Milton and want to be treated fairly. If Denver chooses to formerly object to the permit, the process will be dragged out. There shouldn't be any problem incorporating the new requirements in Denver's permit into BMW's IP. The Board encouraged Brad to continue to keep the dialogue with BMW open, especially if there are alternative proposals.

The Phase 2 MS4 permits expire this year and the Colorado Storm Water Council is meeting with WQCD to discuss some of the new requirements. A cost-benefit analysis of the new permit requirements was submitted but WQCD has not yet responded to it. The main concerns for the

stormwater community include understanding what the data they're being required to collect is going to be used for. So far, there hasn't been a clear explanation. There are also requirements for MS4 permit holders to map receiving streams inside and outside their jurisdictions as well as storm sewer systems inside and outside their jurisdictions. Monitoring remains one of the issues, as well. Storm water quality is very dependent on land use, tree canopy and other factors that are outside of permittee's control. The new permit requires them to compare data from different outfalls which may not be a useful exercise. Brad will keep the group updated on the progress of the Phase 2 permits.

Legislative Effort Update –Steve reported that if we take P out of lawn fertilizers, we can get 20% reduction in stormwater quality. It's a really powerful source reduction. Steve has developed some one-page fact sheets. **Amy** will send them to the Board. Next steps include developing presentations for the stakeholders. Steve shared the still draft coalition member list. We haven't reached out to anyone yet. **Steve** will send the list out to the Board for their updates. Steve has reached out to CDPHE about leading the effort. They said no, but 2022 will be the year they focus on water legislation. They have no plans to be in the lead for any legislative effort in 2021. They are supportive of the effort. They're considering helping the effort by developing a website on the issue.

Steve reviewed the one-page summary he's prepared. It hinges on having a website to drive people to. There are landscaping companies we can reach out to. Steve used some of their language in developing the one-page summary. He also prepared a fact sheet that is longer than one page. One key point is that the legislation is designed to be a restriction and not a ban. Steve would like to finalize the documents and then start reaching out to the potential coalition members. He'll keep working on presentations. We're spending 2021 building the coalition, then will start working on getting legislation drafted and introduced.

We don't need the agricultural community to support the legislation, we just need to make sure they won't oppose it. Michelle has a contact for Agfinity. Steve's hoping that Robert Sakata might be willing to reach out to places that sell fertilizer to agricultural users. Brighton's Chamber of Commerce has an Agri-tourism subcommittee that Steve could be a speaker at. He encouraged everyone to flush the efforts out at their organizations to make sure there aren't any internal conflicts.

Brandy offered that this group should specify what the bill will do. We are unlikely to get commitments until people know exactly what is being suggested. It's important to have an exemption for agriculture and probably some others. We should consider reaching out to the Farm Bureau and the Farm Union.

Brandy will share good fact sheets from other successful issues. We can use models from other states with legislation, picking out the parts we'd want here in our legislation. Metro still has some internal issues and wants to make sure their business opportunities are not impacted. The Board will keep Brandy in the loop to help identify Metro conflicts. We don't want the bill to be in conflict with what POTWs are doing. It might be that the legislation specifically exempts biosolids. Once it gets to the legislature it's no longer under our control. We can shop around for a sponsor and look for someone who could fend off amendments that might change the

legislation in ways we wouldn't want. That's why it's so important to identify the intent of the legislation early. Hopefully with a year for coalition building, we will have identified all the concerns.

The Board expressed concern that they don't want to lead the effort. If CDPHE is supportive, maybe they will help lead the effort once BMW has built the coalition and done most of the early work. It's also possible that a coalition member will step forward to lead the effort. The Colorado Stormwater Council is a logical partner in the effort. The lobbying effort to build the coalition and introduce the legislation could include information about what people can do in their watersheds to protect water quality.

Technical and I&E Committee Updates— Steve reported that the Technical Committee meeting is this Thursday from 9-11. The focus will be talking about the modeling results. Integral has reported on running the SWAT watershed model separately and comparing the results to FRICO's data at inlets to the water bodies. They then ran the WASP in-lake model separately and compared to Steve's in-lake data. They provided a presentation as the report on the results. The models are over-predicting P in Barr. For the last few years, we've been working with Integral to tweak the models. Kelly and Steve looked at the data sources. The Bebe pipeline is a new addition, but it probably doesn't explain the differences.

When the SWAT and WASP models were run separately, some of the discrepancies were revealed. The SWAT watershed model is making reasonable predictions. It predicts the annual inflow fluctuations pretty accurately. They adjusted the interpretive model to give better data from the watershed model to the WASP in-lake model. The in-lake modeling greatly over-predicts the actual values we're seeing in the lakes. It is clearly overestimating P in the lakes since about 2011.

Integral suggests we consider spending a lot of money and recalibrating. The **Technical Committee** needs to come up with recommendations to the Board. We've used this model a lot over the years. Maybe the difference in the predictions is fewer blue green algae and more green algae and diatoms. The settling rates of algae may be an input that needs to be adjusted. The data shows that Chlorophyll a (Chlor a) concentrations are around 300 ug/L while the modeling shows 1,000 ug/l.

Kelly thinks he and Steve can look at the issue from a mass balance perspective. Maybe the P is being flushed out? The big question for the Board is how much more money do we want to spend on modeling. We've run a lot of scenarios. We have a big hearing in 2027. Is there any other data collection that could be helpful? The **Technical Committee** will go over the current sampling and see if any additional sampling would be helpful. They will also review Steve's water quality summary.

Unless we have other scenarios, it may not make a lot of sense to spend a lot of money on the modeling. If we do additional modeling, it will probably be for the in-lake model. It would be worth considering changing the algae settling rate and re-running the model. Steve is working with Integral to explore that option. Integral may make additional recommendations on how to work with the model. It's possible the next 5 years of data may yield different results.

It might be worth re-running the model after a few years of Reg. 85 reductions. So far there haven't been meaningful reductions in point sources yet. Most of the differences in data are due to changes in flows. Another option is to dive deeply into a few weeks or months to see if something was happening with the data that distorted model outputs. About ½ the P leaves the water column via settling or getting flushed. Might there be something wonky in the calibration year for the model? Integral recalibrated during the 2002 – 2009 data and compared to 2010 data. The modeling results mirrored the data pretty well. Steve and Kelly have asked the modelers if they're sure about the inputs and they think they have the inputs correct. Maybe the deep dive into a shorter time frame will show something.

Steve reported that the auto sampler has been relocated to Metro property so we're still getting weekly composite samples. It will moved back to the bridge at the National Western when construction is done. Construction should start in 2021.

The I& E committee is working with our intern to develop a plan to implement a boating capacity survey this year. The intent is to identify an ideal number of boats on the water. Currently the boats are only limited by the amount of parking. There are other water sports, too. The goal is to help Michelle with management decisions and to watch the water quality, although it's probably not very impacted by the recreation. It would also be used for tracking recreation uses that could be use in a UAA study. The Board noted that Cherry Creek recently completed a users' survey.

Updates/Action Items

- Chair's Report – The Chair had nothing to report.
- Treasurer's Report
 - As of December 31st, the balance is \$256,422.21
 - All expenses since the last meeting are within budget and will be recorded as part of the minutes.

Checks to sign in January		
2156 - Applewood Bookkeeping, Invoice 661	\$ 60.00	bookkeeping
2157 - Amy Conklin, Dec. 2020 coordinating	\$ 2,299.50	Coordinator
2158 - GEI Consulting, Invoice 3083538	\$ 2,923.50	stormwater monitoring
2159 - TWS Financial	\$ 595.00	2019-2020 tax return prep
2160 - Integral Consulting	\$ 1,691.69	Invoice 19366, technical budget, modeling

- Coordinator Updates (Amy C.)
 - Approval of the December 1st, 2020 Meeting Minutes – There was a Thumbs up approval.
 - Stakeholder Meeting – February 23rd update – the draft agenda for the Stakeholder meeting is shown below.
 - Bike Tour update – Amy reported that the 2020 Bike Tour video was accepted into the Colorado Environmental Film Festival and she will serve on Q&A panels Tuesday and Thursday afternoons.
 - Amy reported that she is meeting with programmer to go over website.

Next Meetings

- I/E Committee Meeting – **March 2nd, 2021 10 am to 11:30, virtual?**
- Technical Committee meeting – **January 28th, TBD, Virtual**
- Board Meeting – **March 23rd, 2021, 9 am Virtual**
- Stakeholder meeting – **February 23rd, 2021, 9:30, virtual**

BMW Board 2021 Schedule

- January 26, 2021 – Virtual – Board Retreat part 3
 - ~~Steve~~ Update on Legislative issue, modeling update
 - ~~Amy~~ Grant Update – TNC, 319, Urban Waters
 - ~~Erin/Amy~~ Implementation Plan summary for Feb. Stakeholder meeting
 - ~~Chris~~ Banking update
 - ~~Erin/Dan~~ update on hiring consultant to track permit activity
 - ~~All~~ review of Phase II MS4 permit renewal
- February 23, 2021 – Stakeholder meeting – Virtual or Barr Lake Nature Center – Invite WQCD and other watersheds to update them on IP
 - Implementation Plan Update – **Erin** will present to Stakeholders with the one-page summary
 - P Free Fertilizer coalition/legislative effort update – **Steve** will present a one-page handout on the issue and ask for Stakeholder support.
 - Bike Tour update – **Amy** will update the Stakeholders on the status of the 2021 Bike Tour and talk about apps we may work on to enhance the tour.
 - Statewide Water Education Plan presentation – **Scott Williamson**, WECO, will present the plan.
 - Boat Capacity survey – **Jennie** will give an update
 - Clean River Design Challenge – **Devon Buckles and Lauren Berent** will present the status of the program
 - Grant update – **Amy** will report on the status of the grants BMW applied for
- March 23, 2021 – Virtual
 - **IP Committee** – priority efforts list, UAA, MS4 and NPS, Cost benefit analysis, data tool, Alkalinity analysis, DO compliance, NPS data collection
 - Draft comments on Phase II MS4 permit renewal
 - **Steve** – Legislative update, I & E Plan, nutrient working group update
 - **Amy** – Grant update, Time Looper App update, bike tour plan
 - **All** – Develop a plan to reach out to all the stakeholders we missed about the IP update, our new list of priorities, and whatever other efforts are being implemented including coalition building
- April 27, 2020 – Virtual
 - **Steve** – Stormwater monitoring gage update, I&E update, Legislative effort update, Technical Committee update, nutrient working group update
 - **IP Committee** – Progress on priorities
 - **Amy** – Grants update, Bike tour update (Time Looper App?)
 - **All** – Coalition building. Phase II MS4 permit comments
- May 25, 2021 – Virtual or maybe outside at Barr Lake
 - **Steve** – Stormwater monitoring gage update, I&E update, Legislative effort update, Technical Committee update, nutrient working group update
 - **Chris** – Budget discussion for 2021-22 with funding plan for prioritized efforts
 - **IP Committee** – update on progress – start to identify level of funding required for 2023 hearing
 - **Amy** – updates on Bike tour, grants, time Looper app
- June 22, 2021 – Virtual - Bike tour and Watershed tour maybe through the Time Looper App. Prizes for people who take the tours. Good times.
- July 27, 2021 – Meet virtually or maybe in person at Barr Lake
 - **Steve** – Stormwater monitoring gage update, I&E update, Legislative effort update, Technical Committee update, nutrient working group update
 - **IP Committee** – Update on progress, 2023 hearing scope

- **Chris** – Budget presentation and approval
- **Amy** – Bike Tour and Watershed tour report, grant updates
- **All** – discussion of coalition building successes and next steps

- August 24, 2021 – Meet virtually or in person at Barr Lake
 - **Steve** – Stormwater monitoring gage update, I&E update, Legislative effort update, Technical Committee update, nutrient working group update
 - **Amy** – Grant updates, Bike tour and watershed tour updates, Time Looper app updates, Preparation for Annual meeting and BBQ
 - **Michelle** – Park update
 - **IP Committee** – priority effort update
 - **All** – Coalition building

- September 28, 2021 – meet at Barr Lake, try to engage more stakeholders
 - **Dan** – BMW year in review – what we got done, how we’re progressing, plans for the future
 - **Steve** – Stormwater monitoring gage update, I&E update, Legislative effort update, Technical Committee update, nutrient working group update
 - **Amy** – update on grants, bike and watershed tours, time looper app
 - **Erik Wardle** – Progress on agricultural BMPs (?) or Paul Winkle on the fishery and As impacts, other?
 - **James** – election of At-Large and policy review
 - **Michelle** – report on park

- October 26, 2021 – Virtual or in person at a location TBD
 - **Dan or someone** – Election of Board Officers
 - Other topics we didn’t get to

- November 30, 2021 – Board Retreat

Standing Agenda items:

- Legislative/coalition building effort
- IP priority project updates
- Stormwater monitoring gage updates
- Permit tracking consultant efforts
- Grant updates – if appropriate
- 2022 Hearing preparation – CDPHE will be updating, working group, chlor and nutrients for lakes in 2021, 2022 is chlor a hearing. The hearing isn’t directly applicable to BMW but will inform values used in 2027 hearing. Steve is on the working group and will report back to the Board. Around November they’ll have a proposal for criteria. We need to keep space open for that discussion.
- Committee Reports – I&E, Technical
- Chair, Treasurer and Coordinator Reports
- BURRITOS!

BMW I/E Events for 2021 – coming soon