

Barr Lake/Milton Reservoir Watershed Association
 BMW Board Meeting
 July 26th 2022 9:00 am – 11:30
 Virtual and In Person, South Platte Renew
Draft Minutes

Board Attendance:

- Steve Lundt – Metro
- Curt Bauers – FRICO
- Brad Cox – Denver
- Caleb Owen – Thornton
- Sarah Reeves – SPCURE
- Erin Sandos – South Platte Renew (SPR)
- Chris Newton – ECCV
- Katie Koplitz – Metro
- Kelly DiNatale – United
- Jori Nelson – Metro
- Michelle Seubert – CPW
- Joni Nuttle – WQCD
- Amanda Jensen – WQCD
- Blake ? – WQCD

- Lisa Knerr – SPLASH
- Wanda DeVargas – SPLASH/E-470
- Erica Klein – MSU/BMW Intern
- Nicole ? – SPR, CU Denver Intern
- Gary Smith – S. Adams
- Amiee Konowal – WQCD
- Ashley Bierly – SPLASH
- James ? – SEMSWA, SPLASH
- Val Stenson – CDOT, SPLASH

Public Attendance:

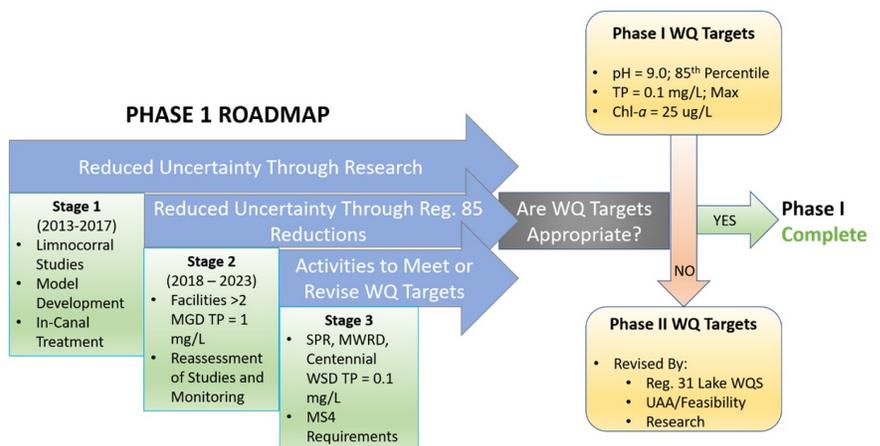
- Amy Conklin – BMW Coordinator
- Samantha Miller – BMW Coordinator

Erin welcomed everyone and they introduced themselves. Those in the room enjoyed burritos.

Proposed lake nutrient criteria. In November 2022 Water Quality Control Commission will adopt nutrient standards for some lakes. The standards will likely impact the BMW TMDL. Water Quality Control Division (WQCD) staff attended the meeting to discuss the upcoming hearing and rationale for the proposed standards. BMW provided WQCD staff with questions prior to the meeting. Some of the questions are answered and written responses to all the questions will be provided later.

How does the WQCD propose to handle the differences between the TMDL numbers and the Water Quality Standards?

The TMDL didn't set Phosphorus (P) limits; it set targets that were predicted to attain Dissolved Oxygen (DO) and pH standards. The BMW TMDL is phased in that the relationship between the nutrients, Nitrogen (N) and P, and the pH and DO is not necessarily fully understood. If the Implementation Plan was completed, and the standards are still not met, the TMDL would enter another phase. In a staged TMDL, the amount of pollutant that needs to be



removed is established but the steps necessary to attain the targets is staged; one set of technology is implemented, then another, and so on. The amount of the pollutant to be removed doesn't change in a staged TMDL; it can change in a phased one. The BMW TMDL is both phased and staged.

The DO and pH targets are still not being met. EPA is not supportive of phased TMDLs anymore, and likely wouldn't support phasing for numeric nutrient standards. Staging of implementation may be an option, though. It's likely the upcoming proposed nutrient standards will be more stringent than the targets in the TMDL.

Since there aren't yet standards for N and P, there isn't a need for an additional or supplemental TMDL for them. If the proposed nutrient standards are adopted and Barr Lake and Milton Reservoir fail to meet them, they would be placed on the 303 (d) list of impaired and threatened waters under the Clean Water Act. Eventually a TMDL for N and P would likely need to be conducted. That timeframe is no sooner than 2032. The BMW Board is open to adding addendums to the current TMDL for DO and pH that address N and P.

Having a separate TMDL for N and P could create a situation where the TMDLs were in conflict. This is a new situation for the WQCD. The question of how the limits would be implemented would be up to the permits section. The most stringent limit is what will be in the permits. The reason to have more than one TMDL is because they are focused on different impairments. It is rare for a TMDL to be dropped or mooted. All the parameters are connected.

The first assessment would be in 2025 when something might be put on the 303 d list. But, it's unlikely that would happen before 2032. The standards would be new and would likely have a compliance schedule. The WQCD is committed to working with stakeholders.

How do the new standards correlate to future discharge permits for those within the BMW? Nutrient targets intended to meet the TMDL have already been incorporated into MS4 (stormwater) permits. The WQCD believes their upcoming proposed standards will achieve water quality goals in general for all warm-water lakes.

Would we need to conduct more modeling? What is the best approach around this?

BMW has both a watershed and in-lake model they've been working with for twenty years. The model has been calibrated to incorporate updated data. The last model update resulted in model outputs that don't reflect reality. We are waiting to see if there is any additional modeling that could help meet future TMDLs. We're currently in a holding pattern.

So far reductions to nutrient concentrations in point source dischargers appear to be happening. Metro went from 3 mg/L P in the effluent and reduced it by 87%. SPR is starting nutrient reductions in their effluent this fall. Since the floods of 2013, which damaged effluent pumping lines, no effluent from Metro has been pumped into the Burlington Ditch. There has been a 30-40% load reduction between 2002-04 and now. The percent reduction isn't the target; attaining the standard is the end point. The reality is that 100% reduction isn't going to happen. The TMDL specifies 90% reduction. Reducing the final 10% could be unrealistic and expensive.

If BMW needs to pursue Site Specific Standards (SSS), when would we want to start work on that effort? (In September, 2018, the BMW Board reviewed internally steps required to pursue SSS.) We want to work hard to achieve realistic and achievable standards that will protect beneficial uses. The upcoming proposed standards are table values. SSS would be catered to Barr and Milton.

Would the nutrient criteria standards also apply to all the gravel lakes along the S. Platte River? The criteria will apply to anything that is a “water of the state”. Amanda shared a file that lists what are waters of the state. The gravel ponds are waters of the state and would be subject to the nutrient standards.

Blake commented that we’re a long way from achieving the targets that are designed to protect the uses. They have some ways to tweak standards, using secchi disks for non algal turbidity for example. He doesn’t think SSS would be good for BMW. A feasibility approach might be better because it would identify all the sources of loading. The feasibility piece would be useful for SSS. It would need to be done for all the sources in the watershed of which there are many. There are tools to outline the path over time, such as compliance schedule. What are the options for going to the commission for adjustments to standards for BMW? The key would be looking at the different sources and identifying what is possible for treatment at each of the sources. In the BMW watershed there may be thousands of sources.

Stream nutrient standards for all lakes and streams will likely be established in 2027. The standards adopted in 2027 will drive reductions in effluent values. The time frame for adopting nutrient standards is unlikely to change even though the process laid out in the Water Quality Road Map was not followed. The WQCD argument is that the same methods used in 2012 were just updated. The method hasn’t changed, it’s just been applied to different categories of lakes. They added co-variants to the method that are driving the changes to the standards. There was a Technical Advisory Committee that shared information. EPA is driving the process. The analyses are the same as those in 2012, just more refined.

What would be the best use of BMW’s time and resources between the 2022 hearing and the 2027 hearing? The TMDL is a good first step. Since there are currently no nutrient standards, we aren’t impaired, but work can continue toward nutrient reductions. That will make the starting point for a new TMDL easier.

The WQCD staff will formally respond to the questions BMW has posed and post them, unless there are objections. Please reach out if there are any follow up questions.

Stormwater Permittees for Local Awareness of Stream Health (SPLASH). Wanda made a presentation on who Stormwater Permittees for Local Awareness of Stream Health (SPLASH) is and how they might be able to partner with BMW. They are governmental organizations in Arapahoe County that coordinate in achieving MS4 permit requirements. Coordinating helps leverage resources. One new thing with non-standard MS4 permits specifies coordinating with the BMW TMDL. As part of the new MS4 permit, they need to partner on I&E activities as well as monitoring requirements by 2025.

They have partnered with BMW in the past and want to continue working with us on the P Free Lawn Fertilizer Campaign. They also want to talk about upcoming monitoring requirements. BMW is happy to share and partner with the P Free Lawn Fertilizer campaign. We just printed postcards. There are files for the outreach materials that can be customized for SPLSAH. SPLASH's logo is already on the coalition.

Wanda explained that E-470's boundary expanded with their new non-standard MS4 permit. The permit has a checkerboard pattern through the BMW watershed. They have to meet I&E requirements for both BMW and Cherry Creek basins. There are about 25 other non-standard permit holders that will also have to partner with BMW. The Colorado Stormwater Council (CSC) may want to approach BMW as well. The monitoring piece is another potential opportunity for partnering. The permit allows for a collaborative program for the monitoring program.

Bus ads, printed materials, SPLASH website and radio campaigns are all ways SPLASH does outreach and education. The Arapahoe County Fair and Western Welcome Week are events where they hand out materials. SPLASH has booths at events throughout Arapahoe county. They are also working on rain barrel workshops. They would love to partner with the Rockies Day event. The Rockies and Broncos are also non standard MS4 permit holders. RTD and Red Rocks are also non-standard MS4 permit holders, as well as schools. None of the other impacted non-standard MS4 permit holders have reached out to BMW. Most of the them are working with the standard MS4 permit holders they are surrounded by. The Rockies and Broncos are working with Denver, for example. The partnering requirements will also likely be listed in standard MS4 permit soon.

There is a room at Mile High Stadium that might be a good place to hold a meeting to convene all the MS4 permit holders and BMW. Steve explained that the Rockies Day is called Bark at the Park and will be in September at Coors Field. The Rockies are working on an annual themed game to inform and educate people about Colorado water. The CSC Education and Outreach Committee would be a good place to start collaborating. They would be willing to contribute financially to outreach efforts. MS4 permits require developers to put in permanent stormwater controls and they could share information on where the structures are located.

Monitoring is going to be harder to figure out than outreach. We all want useful data whose use will improve water quality. Next steps might be to have a meeting with BMW and CSC. The Technical Committee could start working on a monitoring plan. We could have a dedicated **Technical Committee meeting, on September 22nd, to work on the monitoring.** SPLASH may be invited to that meeting and work on a monitoring plan will start.

Preparation for Regulation 31 hearing – BMW wants to participate in the Regulation 31 hearing in the fall. BMW will apply for Party Status in August. **Prehearing Statements are due August 3rd.** BMW's participation is likely to be just sending a comment letter. Individual stakeholders need to be very transparent about what they're doing. The comment letter is due **September 7th.**

The comment letter would likely include the following points:

- The fact that BMW has a TMDL for DO and pH. If the proposed standards are adopted and applied to BMW, we would likely be put on the 303 (d) list of not meeting N and P standards.
- Interesting facts about the lakes that set the stage for the reality that our lakes don't fit the Table Standards.
- The fact that we've been working with the WQCD for decades on the TMDL.
- Emphasizing the fact that the work isn't easy.
- Present information on how much the load has been reduced and the impact on water quality. We've met the pH standard for the growing season since 2018.
- Reference the updated water quality goals. (They were updated in preparation for the hearing).
- Comment on how the Water Quality Road Map timeline is not being followed.

Reviewing the letter sent in 2012 could be helpful, if it can be found. Katie commented that Metro isn't getting party status. They're working through BMW and the Colorado Wastewater Utility Council. SPCURE is debating how they get involved. **Erin** will work on draft letter with **Sarah** and **Kelley**.

Update on P Free Fertilizer Coalition – Steve reported that not much has happened since last month. BMW will be partnering with SPLASH. He took stickers on his vacation to Europe so the campaign now has a global reach. Steve will be on Channel 9 news talking about rain barrels as part of Water 22. He continues developing a training course for landscapers and will be presenting at their conference in Spring 2023. Colorado Water Wise may be a good partner. It would be nice to work with non-standards MS4 permit holders as well.

Sami will send Steve information on Colorado Watershed Assembly conference in Avon in October. They will try to find a way to participate.

I/E Committee Update - Amy, Steve, Erica, and Michelle reported that this month the meeting was held via email. A summary was included in the agenda. Lake Appreciation Day was a big success with BMW contributing gift certificates as prizes. Erica is continuing boating surveys and will be attending the Adams county and Arapahoe county fairs. **Steve** continues to work on a 2023 budget for I&E,

Technical Committee Meeting – **Erin** reported that the Technical Committee will be meeting on Thursday. It will be virtual, 9 to 11. Internal loading will be discussed along with the dredging project at Milton and loads from First, Second and Third Creeks. Steve has started sampling the creeks as well as the United Reservoir. **Steve and Kelly** will keep working on sampling that pond.

The BMW stormwater sampling station will be moved soon. BMW may have to pay for some of the expenses. Storm sampling is ongoing.

Updates/Action Items

- Chair's Report – Thank you, Amy.
- Treasurer's Report -As of June 30th, 2022 the balance is \$335,583.85.

- All expenses since the last meeting are within budget and will be recorded as part of the minutes.

Checks for signature in July 2022		
2227 - GEI	\$1,241.00	Stormwater monitoring
2228 - Sami Miller	\$2,420.00	Coordinator Svcs, June 2022
2229 - A-1 Organics	\$68.20	Inv. 0364907, Carp composting
2230 - Amy Conklin	\$4,156.98	Coordinator Svcs, June 2022
2231 - Amy Conklin	\$380.00	Intern reimbursement

Checks for signature in June 2022		
2218 - GEI - invoice 311321	\$1,075.00	stormwater monitoring
2219 - Applewood Bookkeeping	\$60.00	bookkeeping
2220 - Amy Conklin	\$2,545.18	May coordinating
2221 - Amy Conklin	\$570.00	Intern

*June checks included due to meeting being held offsite at Milton Reservoir (table wasn't included in June meeting minutes)

Will need budget

- Coordinator Updates (Amy C.)
- Review of the finalized May 24th meeting minutes. The minutes were approved unanimously
- Amy invited everyone to lunch at Breakfast on Broadway after the meeting to celebrate her 12 years with BMW.

Next Meetings

- Board Meeting – **August 23rd, 2022, 9 am, TBD and virtual**
- I/E Committee Meeting – **September 6th, 2022 10 am to 11:30 at Barr Lake State Park and/or virtual**
- Technical Committee meeting – **September 22nd, 2022, TBD and virtual**
- Stakeholder Meeting – **September 27th, 2022, Annual meeting and BBQ**