

Barr Lake/Milton Reservoir Watershed Association
 BMW Board Meeting
 August 23rd 2022 9:00 am – 11:30
 Virtual and In Person, South Platte Renew

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
 Jori Nelson – Metro

Erica Klein – MSU/BMW Intern
 Nicole Laurati – SPR, CU Denver Intern

Public Attendance:

Amy Conklin – BMW Coordinator
 Samantha Miller – BMW Coordinator
 Gabe Racz – Vranesh & Raisch Law

9:00 – 9:10 Introductions and Burritos – Erin welcomed everyone and they introduced themselves. Those in the room enjoyed burritos.

9:10 – 9:40 Budget Review & Approval – The 2022-2023 budget is currently being developed and was not presented at the meeting. There will be an email vote to approve and information will be sent out before the Septemeber meeting/BBQ.

Actions:

- **Erin** will send budget out for email vote

9:40 – 10:10 Preparation for Regulation 31 hearing – BMW wants to participate in the Regulation 31 hearing in the fall. The board discussed the potential for requesting a delay in the hearing due to problems found within the data, uncovered by the research of Jimmy McCutcheon who was retained by the Colorado Wastewater Utility Council (CWWUC) to do the work.

BMW has received party status, so next step is submitting the comment letter, which is due Sept. 7. The board discussed the focus of the letter, which will highlight the potential for opening up a separate TMDL, a major concern. The board will likely address the study done by Jimmy McCutcheon in comment letter and ask for a delay/postponement.

Gabe Racz, the attorney for the CWWUC, joined the meeting and discussed big picture issue: that Tetra Tech derived phosphorus and nitrogen values independent of each other. The nutrient standards are proposed to be applied separately and concurrently. Given the data in CO lakes, what concentration of total phosphorus would be required to meet Chlorophyll-a (Chl- a) standard? The same question is posed for nitrogen; what concentration of nitrogen would attain the Chl-a standard? Separately derived phosphorus and nitrogen levels are being considered independently of each other. If a lake meets the total phosphorus standard, doesn't meet the nitrogen standard, but does attain the Chl-a standard, are they not attaining the standard? Co-

regulation of the elements is difficult and less feasible. Many wastewater treatment facilities can economically remove phosphorus. Removing nitrogen is much more expensive.

Another issue with the hearing is the timing. There are too many technical questions unanswered without enough time to resolve them. Technical issues include the fact that USGS total nitrogen data has been difficult to handle. Tetra Tech's way of handling the data has not been appropriate/adequate and it needs to be reviewed/revised. Samples with non-detects were assumed to be at half of the detection level as data point. In some cases, the USGS data in particular, the detection limit is so high that it skews the data high and is probably not a good assumption. There are also errors in the data including minimal sample size and averaging of values for top and bottom samples. The draft TetraTech report, containing draft criteria, wasn't provided until May 2022, about 6 months later than the timeframe agreed to in the Water Quality Roadmap. The delay doesn't provide enough time to investigate and resolve issues regarding the data.

A cost benefit analysis will be prepared, as ordered by the division, but won't be available until five (5) days before the hearing. A water rights injury analysis has been requested and granted by the State Engineer. The proposed standards will be applied to drinking water storage facilities that weren't previously subject to standards. Application of such stringent nutrient standards on drinking water storage facilities may impact the amount of water remaining after treatment. It is unknown when the State Engineer will complete the analysis. There is concern over this timeline.

The conclusion is that it's worth requesting that the Water Quality Control Commission delay the hearing.

The point was made that this has been going on for so long, an argument can be made that more time will simply lengthen an ongoing issue. At some point, standards need to be set for these nutrients; the hearing is inevitable. The counterpoint was made that the period to review the data and proposal has been too short. The timeline became compressed over the past couple of years due to competing priorities. Adequate stakeholder outreach was abandoned to meet the compressed timeline.

So far, they have been resistant to extending the deadline, and BMW hadn't considered requesting a delay until this meeting.

The question was posed if anyone be opposed to asking for more time? There was consensus to support asking for more time.

The group discussed what timing we're looking for in a delay. Year or months? The suggestion was made to remain open and not be specific, while making it known that BMW is willing to work with other entities based on needs.

As a side note, ECCV is planning to make a motion to delay the hearing as well; they would like to delay a couple months. They are supportive of BMW asking for delay as well.

Overall conclusion and summary: BMW will ask for delay in comment letter, with no specific timeframe requested. Erin will spearhead the letter and send out for review to the board. Dan and Steve will send her past comment letter from 2012.

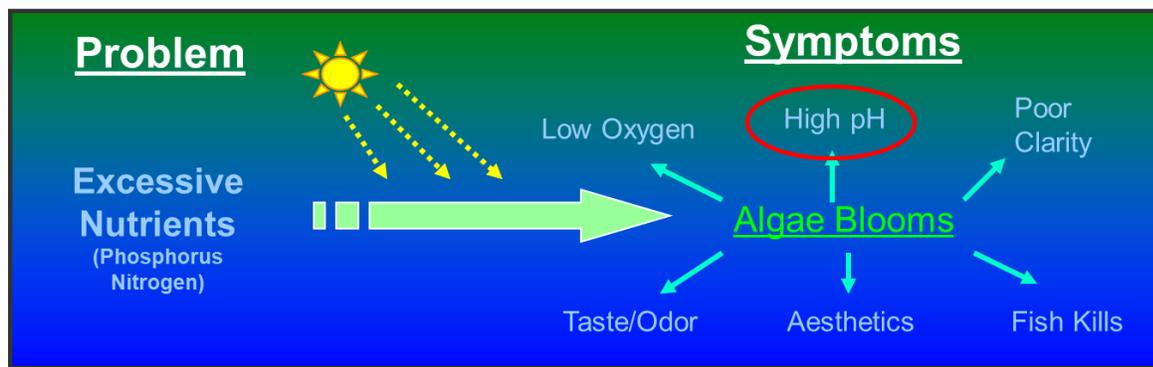
Actions:

- **Erin, Sarah, Curt, Kelly** working on comment letter. **Erin** will set meeting to hash out letter, with request for additional time. Erin will send out for larger review before Sept. 7 deadline.
- **Steve/Dan** will send Erin letter from 2012 to help with development.

10:10 – 10:20 Brinkmann Constructors Lift Station Application Review – BMW typically works with Brown & Caldwell (as a subcontractor) to review lift station permits. BMW is often considered as a signing party on site applications for lift stations, as a courtesy via Tri County Health. There was consensus to refer the application to Brown and Caldwell. The board will review the application simultaneously as Brown & Caldwell conducts a review. Discussion included the 208 planning agency duties. There is a 208 Planning Agency in Adams County (Adams County Water Quality Association) and the question was posed if we are supposed to send our comments to them. The board discussed BMW becoming a 208 planning agency, as a result of Tri County Health dissolving. Diane Kielty with the Chatfield Watershed Authority and Russ Clayshulte with the Bear Creek Watershed Association will be asked about this process. Erin will reach out and report back with info at our next meeting. The point was made that BMW should verify that they (ACWQA) are in fact performing the 208 water quality planning duties. A possible contact there would be the executive secretary of South Adams (previously Sandy Schrawder).

Actions:

- **Erin/Sami** will send the lift station application to the entire Board to review
- **Erin** will reach out about more information on BMW becoming a 208 planning agency and report back at next meeting. We may possibly invite South Adams to our next meeting. **Curt** will send Erin and Sami the contact information for the Water Quality Planning Agency.



10:30 – 10:40 Update on Barr & Milton WQ Updates – Steve began his presentation updating the Board on some of the issues that will be part of the November hearing. Has water quality

improved? YES!. He averaged data from '03-'07 and for the last 5 years. First up is pH. The average goes above 9 in the summer. In 2022, we've only violated the standard in January. Currently we are meeting the pH standards for Milton and Barr and should meet it for the year. pH in both lakes are getting lower. For the first time pH was below 8 for some of the readings.

He contrasted pH averages from '03-'07 to that for the last 5 years. pH appears to have gone down. We have higher pH in the winter now with summer being pH below the standard. Diatoms in the winter are increasing pH while blue-green algae in the summer are going down and taking pH with them. Diatom concentrations have increased while blue-green algal concentrations have decreased. We haven't had pH problems in the summer recently. Steve was asked about the other years and if they were also analyzed. He has but the change is better contrasted showing the first few years to the last. The change in water chemistry began in 2013. The analysis of the entire data base show a sudden change in 2013 probably because of the flood. He also evaluated if the standards would be attained if the percentile exceedance was changed or if the growing season definition was changed. If the growing season was re-defined, the lakes would have met the standard from 2018 onwards. Any way in which Steve examined the data there has been pH improvement.

So far this year, we're meeting the dissolved oxygen (DO) standard for Barr Lake. In 2021, there was one dip in DO concentrations when water was really low, in September. Only one exceedance of the DO standard means that it's not being attained. DO should be easier to attain as the other nutrients go down. Milton should attain DO standards in 2022.

Phosphorus has improved as well and is approaching the TMDL goal. Spikes in phosphorus follow low DO measurements, probably indicating internal loading; phosphorus being released from the sediment because of anoxic conditions. We are getting closer to the 100 mg/L goal in the TMDL. The soluble form of phosphorus does not attain the standard. Phosphorus loads are going down. Sometimes spikes in phosphorus concentrations occur because the inflow from the river was high in phosphorus. The residence time in the lakes is about 8 months. The amount of ortho P is decreasing also. Ortho P is an indicator of effluent contributions.

Chl-a has also improved at Barr and Milton in the summer. During winter at Milton Chl-a peaks. There are lots of diatoms in the winter creating lots of Chlor-a. Blue-green algal blooms start later in the year at Barr making Barr clearer than Milton, a change from the earlier data. Chl-a will probably always be a struggle to meet. There would only have been one year where only the Chlor-a goal was met and most values are way above the proposed standards. Whatever the implementation schedule, Barr and Milton will not meet the proposed standards. The proposed nitrogen:phosphorus ratio has improved in the proposed standards and is more likely to reflect conditions that control Chl-a.

Overall, numbers have improved and we continue to approach the goals, but don't hit them yet. Even so, improvement can be seen through usage of the lake and more kids/people utilizing now which wasn't possible in the past (due to massive blue-green algae blooms). A new phase will commence soon with South Platte Renew implementing mitigation on the nutrients, and there are high hopes for seeing numbers drop even more as they come online.

10:40– 10:55 I&E Committee Update - Next meeting is September 6th. It will be virtual. Erica has been using the organizations T-shirt making outreach materials in recent months at county fairs. BMW participated in an event in Art Park in RiNo in conjunction with Patagonia for their river clean up event. Sept. 9 is the Bark in the Park Rockies game with over 700 tickets sold for that (including for the dogs). We'll be giving out goodie bags with info about cleaning up after your dog and Water 22. Donny Roush is helping. Coors is using their ad space to talk about water quality and the heads groundskeeper will do a PSA about using Phosphorus-Free lawn fertilizers. There are several fall events at Barr Lake coming up. There is a possible water skiing club meeting we could attend at Milton for their end of year meeting, Steve might be able to give out some info on algae to that group.

10:55 – 11:10 Technical Committee Meeting – Next meeting is September 22. SPLASH will attend and we can discuss how we'll partner on monitoring requirements. Steve has shared outreach materials. The Technical Committee (TC) is working on a solidified plan for future topics, projects and outcomes for the committee. The TC desires a more tangible plan for what BMW is working on right now. Erin is compiling list of priorities for potential projects submitted by the TC members, but the entire board is welcome to send ideas for this list.

Actions:

- **All** - send Erin ideas if you have them for the TC by September 8.

11:10 – 11:25 – Updates/Action Items

Chair's Report - Update of the watershed plan is not forgotten!

Actions:

- **Erin and Steve** will follow up in next couple week about it, but no commitment on first draft yet or timeline.

Treasurer's Report -As of July 31st, 2022 the balance is \$335,296.37. All expenses since the last meeting are within budget and will be recorded as part of the minutes.

Checks for Signature in August 2022		
2232 - Applewood Bookkeeping	\$ 60.00	bookkeeping
2233 - Amy Conklin	\$ 2,935.79	Coordinator Svc, July 2022
2234 - Sami Miller	\$ 2,832.50	Coordinator Svc, July 2022
2235 - GEI	\$ 532.75	Stormwater monitoring

Coordinator Updates (Sami) - The July 26th meeting minutes were unanimously approved, including edits submitted.

Sept. Stakeholder meeting discussion – the BBQ will be held at Barr Lake, either at the Nature Center or outdoor in the pavilion from roughly 9:30 am – 1 pm. We will ask Michelle's dad to cater. Discussion of the itinerary concluded that we will hold a tour (by golf cart) of the inlet and Beebee pipeline, followed by the meeting (updates and any speakers, at-large vote, etc), and wrap things up with lunch. Discussion was had about ensuring outreach for attendance is adequate. BMW will directly invite SPLASH, the Water Quality Control Division staff in addition to using the stakeholder contact list, which has worked well for outreach in the past.

Actions:

- **Steve** will ask Michelle about reserving facilities
- **Sami** will work with Michelle on catering plan with her dad and draft an itinerary to share with the board beforehand
- **Sami** will also send out an invite/save the date, prepare a draft agenda, and a summary of the year's activities for Erin to use.
- **Erin** will reach out to CDOT and SPLASH about attendance

Next Meetings

- I/E Committee Meeting – **September 6th, 2022, 10-11:30am at Barr Lake State Park and/or virtual**
 - Technical Committee meeting – **September 22nd, 2022, TBD & virtual**
 - Stakeholder Meeting – **September 27th, 2022, Barr Lake Nature Center**
 - Board meeting – **October 25th, 2022, SP Renew, in person & virtual**
-