

# BCWA Board Meeting Summary

December 14, 2016

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**Members and Participants Present** Pat O’Connell, Jefferson County; Mike Towner and Alan Searcy, Lakewood; Dave Lighthart, Evergreen; Chris Schauder, West Jefferson Metro District; Tony Langowski, Kittredge Water and Sanitation District; Chris Brownell, Genesee; Fritz Fouts and Kara Zabilansky, Morrison; Tony Doukas, Jefferson County schools; Angie Kelly, Conifer Sanitation; Simon Farrell, Aspen Park; Russell Clayshulte, Manager; WQCD Staff Tammy Aleen and Joni Nuttle

**Call to Order** – Alan Searcy called meeting to order at 9:00 a.m., a quorum was present. The meeting was held at the Evergreen Metro District Offices.

## **Board Action Items**

1. **November 2016 Meeting Summary** –A motion was made by Tony Langowski and seconded by Chris Schauder to accept the meeting summary as edited. The motion passed.
2. **Billings** - A motion was made by Pat O’Connell and seconded by Chris Schauder to pay the bills as presented. The motion passed.

## **Board Discussion Items**

Open Discussion with the WQCD Staff based on the following set of questions:

1. If point source and/or non-point source dischargers within the Bear Creek watershed (and identified in Control Regulation #74) do not participate/fund the BCWA, what is the CDPHE process to ensure the discharger types below comply with Regulation #74?
  - a. Non-point dischargers with a MS4 permit?
  - b. Non-point dischargers without a MS4 permit?
  - c. Point source dischargers?

Response – Compliance is done through permits. There has never been an enforcement on a control regulation, but that is a decision for the WQCC. Non-participants need to be noted in the annual report to the WQCC. So, enforcement is a future possibility. The issues raised about Park County, Geneva Glen and Brookforest Inn were referred to the Association. Permits can open any permit and make appropriate changes as directed by the WQCC.

2. What mechanism(s) should the BCWA use to encourage continued participation by organizations listed in the Control Regulation? Response – The WQCD encouraged the Association to keep lines of communication open and keep working with all entities listed in the control regulation. Remind members that monitoring is necessary to measure effectiveness and compliance.
3. Can the WQCD staff provide guidance on reducing the scope/costs associated with the required BCWA monitoring program? A narrative description of the current BCWA monitoring program can be found [here](#). Response – For the WQCD, the control regulation is the critical focus, but it is the WQCD expectation that the Association as a management agency define the scope and cost of watershed management. The WQCD will continue to work with the Association in reviewing and defining the scope of the monitoring effort. There is a continued need for nutrient controls, a need for TP/TN data, ongoing quality monitoring to determine attainment of the requirements listed in the control regulation. The Association needs to address water quality impairment, but the extent of the watershed effort is a responsibility of the Association as a management agency. As such, the Association must address regulations like regulation 38, 85 and 93.
4. What is the scope of the BCWA as the designated management agency? Response – See the state water quality plan. The BCWA operates under the *Statewide Water Quality Management Plan (SWQMP)* (WQCD Version 1.0- June 13, 2011). The SWQMP is considered a *living document* with links to

other policies and regulations and provides a framework for water quality protection and management. The management agency expectations for the BCWA are outlined in *A Guide to Colorado Programs for Water Quality Management and Safe Drinking Water* (Commission Policy #98-2, updated August, 2013).

5. Are there any specific changes to BCWA operations that the state would like to see? Response – The more participant by all entities is valuable and the Association needs to work with the WQCD and the TMDL contractor with the TMDL development including data transfer, demographics (2030-2015), growth expectations (e.g., Morrison), cost benefit analyses, reserve capacity needs, on-site systems, and other NPS issues. Otherwise the WQCD believes the Association is doing what is expected of them from the regulatory perspective.
6. Is the BCWA required, per the Control Regulation, to provide an annual status report to the WQCC regarding non-participants? Response – Yes, the Association is expected to provide a status update on all entities as listed in the control regulation.
7. What does the state envision for point source and nonpoint source management in the watershed within the next 10-years? Response - The implementation of the TMDL will better help to define the expectations for PS and NPS management in the watershed over the next 10-years. Continued data collection and monitoring is critical to this effort. There will be new wasteload allocations, although what they will be can't be answered now, and more NPS controls will be needed after the TMDL is complete. It is important to continue collection of TP and TN data at the BCR and within the watershed, but the expectation for TP/TN control can't be answered now. The nutrient standards for the streams over the next ten years requires continued monitoring.
8. Are there funding sources available to cities, counties and special districts to fund point source, nonpoint source or stormwater management activities? Response – NPS program, revolving loan program, healthy rivers, state roundtable and EPA. The WQCD noted it would be potentially useful if the Association had an affiliated 501(c) group to help get grants.
9. What is the expectation and timeline for the proposed Bear Creek Lake TMDL? Response – The TMDL is scheduled to start in January or February 2017. Completion in late 2017 or early 2018. Then the WQCD at the triennial review will request a rule making hearing for regulation #74. After that RMH, permits can then incorporate the new WLA into permits.

The overall response from the state was positive. They noted the Association has helped in the understanding of overall water quality within the watershed, has produced credible data that is well quality controlled and not replaceable. They stated that the WQCD depends on the Association to make watershed management work and they strongly encouraged the Association to continue as a management agency.

### **Membership Updates and Issues Forum**

**Evergreen** – No update

**Jefferson County** – Noted the rezoning hearing for the new 470 development proposal.

**Morrison** – Service to Red Rocks is online

**Jefferson County Health Department** –No update.

**Clear Creek County** – No update.

**Lakewood** - Provided an update on BCR conditions and fishery.

**Denver Water** – No update.

**Wastewater Dischargers** – The outdoor lab new facility exceeded the TP limits, problem is being addressed.

**Corps of Engineers** – No update or recent involvement with Association.

**Jeffco Schools** – No update.

**Administrative Items** – No discussions.

**Adjournment** – The meeting adjourned at 11:45 a.m. (Motion by Pat O'Connell and seconded by Dave Lighthart).