

PLUM CREEK WATER RECLAMATION AUTHORITY
4255 N. US Hwy 85, Castle Rock, CO 80108
REGULAR MEETING MINUTES
Held in person and GoToMeeting
July 26, 2023

CALL TO ORDER:

7:30 a.m.

ATTENDEES:

Mark Marlowe, Joshua Shackelford and Nathan Travis, Board Members; David Van Dellen, Alternate Board Member; Wes Martin, Authority Manager; Kirby Clark, Assistant Authority Manager; Lissa Oelkers, Director of Administrative Services; Patou Griggs, Industrial Pretreatment Manager; Alyse Billick, Administrative Assistant; Darryl Farrington, Semple, Farrington, Everall & Case, P.C; Evan Person, Capital Program Manager, Castle Pines Metropolitan District

ANNOUNCEMENT OF QUORUM:

Quorum present.

APPROVAL OF AGENDA:

Dir. Travis moved to approve the agenda. Dir. Marlowe seconded the motion. The motion was unanimously approved.

PUBLIC HEARING – REUSE RESERVOIR REHABILITATION PROJECT NEEDS ASSESSMENT (PNA) TO QUALIFY FOR A STATE REVOLVING FUND LOAN:

The Public Hearing was opened for public comment at 7:30 a.m. No public were in attendance. Hearing no comments, the Public Hearing was closed at 7:31 a.m.

PUBLIC COMMENT ON PCWRA REGULAR BOARD MEETING:

Attendees: None

ACTION ITEMS:

MINUTES OF JUNE 28, 2023 REGULAR BOARD MEETING:

Dir. Marlowe moved to approve the minutes of the June 28, 2023 regular board meeting. Dir. Travis seconded the motion. The motion was unanimously approved.

PAYABLES FOR THE PERIOD ENDING JUNE 30, 2023:

Mr. Martin highlighted the \$5,562.17 payment to Aerzen USA Corp for blower repairs, \$12,663.04 to Contract Furnishings for new conference room and admin office furnishings, as well as \$8,944.00 to Sun Valley Electric for new power and communication wire for the samplers in the headworks building. Mr. Martin requested approval for payment of \$351,294.74 for the June 2023 payables. Dir. Marlowe moved to approve the June 2023 payables as described by Mr. Martin. Dir. Travis seconded the motion. The motion was unanimously approved.

OTHER ACTION ITEMS:

None.

DISCUSSION ITEMS:

REGIONAL WASTEWATER/WATER PLAN UPDATE:

Dir. Marlowe informed the board that the Town Council approved the intergovernmental agreement (IGA) with Dominion Water and Sanitation District on July 18, 2023. The IGA moves the project forward using Alternate 3 to rebuild the wastewater plant on the South Platte River. Castle Rock Water has a scoping meeting today with Carollo Engineers and Dominion to discuss the design and available funding from the County through the American Rescue Plan Act (ARPA) and ensure the scope will be supported by the ARPA funding requirements. After that is achieved, a three-party IGA between Carollo, Dominion and Castle Rock will be drawn up to begin the plant design, which should go to Castle Rock's Town Council in August. Castle Rock Water will be requesting proposals from engineers to design the lift station and force main from Louviers back to Dominion. Once an engineer is on board, Castle Rock Water will engage with Mr. Martin for input on the design.

DIRECT POTABLE REUSE:

Dir. Marlowe stated that the full scope is just under \$500 thousand for the first phase sampling. Castle Rock Water will meet with the State one more time to review the sampling plan, which will require one year of samples, and make adjustments if needed.

REUSE RESERVOIR REHAB PROJECT UPDATE:

Even though he has reached out several times to the State Revolving Fund (SRF) Division, Mr. Martin has been told they are still reviewing the applications. Most of the SRF funds are being prioritized to environmental justice projects.

INDUSTRIAL PRETREATMENT RULES AND REGULATIONS UPDATE:

Mr. Martin opened the discussion by stating that he would like the Board to review the Industrial Pretreatment Rules and Regulations in preparation of becoming an Approved Program as required by the Environmental Protection Agency (EPA). There are nuances that, over time in dealing with different business owners and engineers, staff has discovered don't quite fit or could be improved. Mr. Griggs reviewed some suggested updates to be made, which included the Local Limits and how it will affect the water plants' discharges. Dir. Marlowe then asked if these updates would include a limit on the manganese and if passing the rules and regulations would prevent the water plants from discharging the solids to the sewer system. Mr. Martin informed him that it would still be allowed, but would be monitored, because it is not currently in PCWRA's permit. However, this would give PCWRA the authority to limit these discharges if it could potentially affect PCWRA's permit. Discussion ensued regarding rules and regulations being required for direct potable reuse (DPR) and with PCWRA now treating over five million gallons a day that is usually a trigger point to require an Approved Program. However, since there are no Significant dischargers in PCWRA's service area, the EPA is not yet requiring the Approved Program. If the DPR program is approved, PCWRA will need an Enhanced Program with IGAs in place with the members.

MANAGEMENT REPORT:

Plant Updates

Staff have been busy working on the data collection for the Utility Plan Update. A work session with Carollo yesterday discussed concerns with the upcoming preliminary effluent limits (PELs). Mr. Martin may inquire with other entities that have been able to avoid potential lawsuits and stringent requirements by working with the Division in order to preempt issues for PCWRA's permit.

Mr. Martin recognized staff for exemplary performance in handling an unplanned power outage on July 13, 2023. Staff had to quickly get the old headworks up and running to utilize the screw pumps, as well as identify issues with the generator which did not engage properly. There were no violations or illicit discharges, and staff is resolving all identified issues.

Mr. Martin and Mr. Clark attended the 2023 Water Quality Forum Retreat. The stakeholders have expressed concern about the growing conflicts with the Division, as well as the hearing process and how to move forward. The Water Quality Forum noted these comments and will take them back to The Forum's Council to discuss ways to increase communication, participation, and how to mend these relationships. Many stakeholders have begun to increase their budgets to handle potential lawsuits with the Division. The Wastewater Utility Council has also considered hiring a lobbyist, but was unable to move forward, as they are not allowed to dedicate greater than twenty percent of their funding to that type of association. As a result, they have decided to switch to an educational approach and begin reaching out to legislators to provide information about what the Division is doing.

On July 21, 2023 Mr. Martin and Mr. Clark met with Virridy. A professor from the University of Colorado Boulder (CU Boulder) also attended the meeting and discussed using PCWRA's property for carbon credits or even the possibility of creating a wetland for temperature and nutrient treatment. Staff will begin providing Virridy with data.

OTHER DISCUSSION ITEMS:

None.

EXECUTIVE SESSION

Dir. Marlowe moved to enter into Executive Session to discuss legal issues pertaining to the Parkson filters with PCWRA attorney as authorized by CRS 24-6-402(4)(b), conference with attorney regarding legal issues. Dir. Travis seconded the motion. The motion was unanimously carried. The Executive Session began at 7:54 a.m. Attendees included Dir. Marlowe, Dir. Shackelford, Dir. Travis, Alt. VanDellen, Mr. Person, Mr. Martin, Mr. Clark, Mr. Farrington, Mr. Griggs, Ms. Oelkers, and Ms. Billick.

Executive Session CRS 24-6-402(4)(b) concluded at 8:04 a.m.

ADJOURNMENT

There being no further business to come before the board, Dir. Shackelford declared the meeting adjourned at 8:05 a.m.



Joshua Shackelford, President

PLUM CREEK WATER RECLAMATION AUTHORITY

**ATTORNEY'S STATEMENT RE:
MINUTES OF THE EXECUTIVE SESSION
OF THE BOARD OF DIRECTORS**

July 26, 2023

I, Darryl L. Farrington, herewith make the following signed statement in accordance with Section 24-6-402(2)(d.5)(II)(B), C.R.S.:

1. I am an attorney serving as general counsel to the local public body of the Plum Creek Water Reclamation Authority (PCWRA), Douglas County, Colorado.
2. The Board of Directors of PCWRA met with me in executive session during the regular PCWRA board meeting on Wednesday, July 26, 2023, at the offices of PCWRA pursuant to Section 24-6-402(4)(b), (conference with attorney for local public body to receive advice on specific legal questions).
3. The purpose of my being present in the executive session was to participate in discussions and give legal advice concerning issues relating to the resolution of a dispute involving the Parkson sand filters which were installed under PCWRA's contract with Moltz Construction. The portion of the executive session in which I participated lasted from approximately 7:54 a.m. to 8:05 a.m.
4. The portion of the above-referenced executive session in which I participated was not recorded based upon my opinion that the entire discussion that took place constituted privileged attorney-client communication.



Darryl L. Farrington
Attorney for PCWRA