

PLUM CREEK WATER RECLAMATION AUTHORITY
4255 N. US Hwy 85, Castle Rock, CO 80108
REGULAR MEETING MINUTES
Held in person and GoToMeeting
June 28, 2023

CALL TO ORDER:

7:31 a.m.

ATTENDEES:

Mark Marlowe, Joshua Shackelford and Nathan Travis, Board Members; David Van Dellen, Richard Munday, Alternate Board Members; Wes Martin, Authority Manager; Kirby Clark, Assistant Authority Manager; Lissa Oelkers, Director of Administrative Services; Alyse Billick, Administrative Assistant; Darryl Farrington, Semple, Farrington, Everall & Case, PC; Evan Person, Capital Program Manager, Castle Pines Metropolitan District; Alex Johnson, Chief Strategy Officer, Virridy

ANNOUNCEMENT OF QUORUM:

Quorum present.

APPROVAL OF AGENDA:

Mr. Martin requested that Discussion item 6A: Virridy Carbon Credit Presentation by Mr. Johnson be moved to the beginning of the meeting.

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

PUBLIC COMMENT:

Attendees: None

DISCUSSION ITEMS:

VIRRIDY CARBON CREDIT PRESENTATION:

Mr. Johnson spent approximately 20 minutes presenting Virridy's Watershed Carbon concept which is to connect the watershed stream restoration and water quality to the carbon market. He is requesting the board consider allowing Virridy to work with PCWRA staff to determine if their concept would be a good compliance option for PCWRA down the line while understanding they already have grant money and are fully funded therefore there would be no cost to PCWRA. Virridy is simply looking for partnerships to analyze compliance issues such as temperature and nutrients while overlaying those results with their objectives in the watershed. The data extrapolated from this partnership would provide information on the carbon impact on required upgrades to the facility for future compliance such as reverse osmosis not only in the initial upgrade but also 20 years of operations. Mr. Johnson responded to some questions from the board regarding legal responsibility and how the green projects would be evaluated. Mr. Johnson exited the meeting at 7:58. Mr. Martin asked the board if there would be any opposition to creating a Memorandum of Understanding (MOU) between PCWRA and Varridy with the goal of being able to present data to the Division. The model should provide a more wholistic view for the Division and Mr. Martin would like to be first on board with this information. The board consensus was that there was no opposition to a MOU, however they would like the opportunity to review any reports before anything goes public.

ACTION ITEMS:

MINUTES OF MAY 24, 2023 REGULAR BOARD MEETING:

Dir. Marlowe moved to approve the minutes of May 24, 2023 regular board meeting. Dir. Travis seconded the motion. The motion was unanimously approved.

PAYABLES FOR THE PERIOD ENDING MAY 31, 2023:

Mr. Martin highlighted payment from the 3.0 expansion escrow fund for \$39,000 to Vogelsang USA for new thickened sludge pumps into the ATAD system. Mr. Martin requested approval for payment of \$367,011.00 for the PCWRA May 2023 payables, along with the 3.0 payables, for a grand total of \$406,011.00. Dir. Marlowe moved to approve the May 2023 payables as described by Mr. Martin. Dir. Travis seconded the motion. The motion was unanimously approved.

GEI REUSE RESERVOIR CHANGE ORDER #2 APPROVAL:

The SRF loan application required more in-depth information for the reservoir project than anticipated, therefore Mr. Martin requested GEI to update their costs and help with the loan process, resulting in Change Order (CO) #2. With the addition of the requested 4.3 subtask there was an increase of \$20,718 and \$11,832 for the project management for a not to exceed total of \$32,550. There was then discussion about GEI's original cost estimate of \$231,000 to oversee construction and how to proceed if the State Revolving Fund (SRF) loan's interest rate exceeds three percent. Dir. Shackelford inquired about the change in pipeline installation technology. Mr. Martin stated that pipeline boring is a condition of the SRF loan for environmental requirements. Dir. Marlowe moved to approve the GEI reuse reservoir CO#2. Dir. Travis seconded the motion. The motion was unanimously approved.

OTHER ACTION ITEMS:

None.

DISCUSSION ITEMS:

REGIONAL WASTEWATER/WATER PLAN UPDATE:

Castle Rock Water is working on an intergovernmental agreement (IGA) with Dominion to work on various components of the regional wastewater facility including the lift station in Louviers, the force main to Dominion and the South Platte wastewater plant on the old Roxborough site. The IGA will go to Castle Rock's Water Commission tonight and to the Town Council in July. They are also working on a draft scope of work and cost estimate from Carollo, to whom Dominion would like Castle Rock to sole source with for the design of the new plant. They are hoping an agreement can be made and that it can also be presented at the July 18, 2023 Town Council meeting. There were then questions about Mr. Martin and Mr. Clark's participation in the design process of the new plant. Dir. Marlowe informed the board that the agreements are still in review.

DIRECT POTABLE REUSE:

Staff is waiting for the sampling plan information that will be submitted to the Division. Dir. Marlowe informed the board that they have a meeting with CDM Smith this week to review costs and to determine if they want to proceed. There will be an update next month.

REUSE RESERVOIR REHAB PROJECT:

Staff is waiting to hear if the SRF loan has been approved and has contacted the Colorado Water Resources and Power Development Authority (CWRPDA) for an update but has received no response.

PCWRA RESERVOIR PROPERTY DISCUSSION:

Mr. Martin asked for clarification from the board on their direction at a previous board meeting regarding the so-called reservoir property. There was discussion of water rights, studies for potential wells for the members, and other possible uses of the property. Mr. Martin wondered whether it is appropriate for him to handle tasks related to potential water projects since PCWRA is strictly a wastewater facility. There was board consensus that there is no need for Mr. Martin to work on water projects, per se, and that all the board needs at this time is preliminary information of what could be done with the property, which is an asset that PCWRA is not currently utilizing. It was noted that Carollo will be looking at future uses of the property as part of the 2023 Utility Plan Update.

MANAGEMENT REPORT:

Plant Updates

Clarifier 1 was taken offline due to an oil leak. The maintenance department has ordered parts for the repair.

There were significant flows through Haskins Gulch during the May storms, but no damage was received to PCWRA's reservoir embankment.

All the Authority's member utilities were represented at PCWRA's joint operation meeting. The meetings are proving to be very informative to those in attendance.

Mr. Martin and Mr. Clark met with Castle Rock Water and Burns & McDonald to discuss the water plants discharging to PCWRA and the history as to why the Division is expecting the Pretreatment Program to stop that from happening due to TENORM, manganese and potential zinc issues. Castle Pines North Metro District has stopped discharging to PCWRA, and the rest of the members will have to as well unless PCWRA can prove that it doesn't affect the discharge permit. There was a balance study done in the past, where all the members discharged only at appointed times and there was an exceedance of manganese and possibly zinc. Dir. Marlowe then asked about the status of PCWRA's permit because there should be an update to the manganese limits. Mr. Martin responded that he does not know the status and has received no help from the Division when he has inquired about the new permit. It was also discussed that it could be beneficial to PCWRA to sell the biosolids to help with revenue or decrease expenditures but isn't currently possible due to the TENORM being discharged to PCWRA. Carollo will be including biosolids handling and disposal in the utility plan update.

CDPHE Update

Bret Icenogle, Water Quality Control Division Engineering Section Manager, has resigned. He will begin new employment with Metro Water Recovery.

PCWRA was granted a No Exposure Self-Certification permit and although it has resulted in a change in operation, it prevents PCWRA from having to sample or carry a COR090000 stormwater discharge permit.

The Division has put a hold on any water quality meetings for June and July but does have the water quality forum meeting coming up. Mr. Martin plans to attend this meeting to discuss issues about the last hearing, which includes the lack of a panel of experts and how the Division and EPA sole sourced Tetra Tech for their information. Many of the stakeholders plan to increase their budgets to include more legal expenditures to help with issues with the Division. There are also concerns as to why there is a water quality forum if the Division leads and controls the outcome of the stakeholder processes.

The Colorado Wastewater Utility Council is concerned with the recent permit modification to Coors Brewing Company after a third party made a request about their discharge permit. The Division reopened the permit, made the changes and posted them for public comment before talking to Coors or asking them for any data. Gabe Racz, Vranesh & Raich, may be making comments regarding this issue.

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 8:34 a.m. Attendees included Dir. Marlowe, Dir. Shackelford, Dir. Travis, Alt. VanDellen, Mr. Person, Mr. Martin, Mr. Clark, Mr. Farrington, Ms. Oelkers, and Ms. Billick.

Executive Session CRS 24-6-402(4)(b) concluded at 8:51 a.m.

ADJOURNMENT

There being no further business to come before the board, Dir. Shackelford declared the meeting adjourned at 8:52 a.m.



Joshua Shackelford, President

PLUM CREEK WATER RECLAMATION AUTHORITY

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

June 28, 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, June 28, 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 8:34 a.m. to 8:51 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