

Eldorado Springs LID Advisory Committee Minutes

July 16th, 2020

Video Conference Meeting

The meeting was called to order at approximately 6:35pm by Ken Sheldon.

Members Present: Ken Sheldon, Cathy Proenza, Jeff Mason, Vija Handley

Guests: Gabby Begeman (ORC), Janet Robinson, Doug Larson

Staff: Mark Ruzzin, Jon Adam

Approval of Minutes: Ken Sheldon made a motion to accept last month's (May's) meeting minutes, as presented. Jeff Mason seconded the motion, which passed unanimously.

August Meeting Attendance

Jon Adam asked who was going to be able to attend the August 20th ESLAC meeting. Cathy Proenza was unable to attend. Ken Sheldon and Jeff Mason were unsure about being able to attend. Mark asked about August 27th. Ken and Vija Handley said they could attend. Ken suggested that if we could have a quorum that we could limit our discussions to important topics that can keep things moving. Mark suggested will solve this over email. Jeff found out he can make the meeting on the 20th along with Kevin Tone but he would check with Kevin to make sure.

ORC Operations

Mark began by reporting operations while texting Gabby to see if she could still join. Mark reported the grinder pump at 31 Fowler on June 26th was the first time the pump had ever been replaced. Mark also reported that flows to the WWTF as of June 20th have decreased 19% from the previous month to 64%. TIN (total inorganic nitrogen) was at 4.57 for the month, but the rolling average was still high for the permit renewal.

Gabby joined the meeting at 8 minutes. Gabby reported that flows were down about 19% since May. One grinder pump was replaced at 31 Fowler, which was the first time that pump was replaced. Gabby brought attention to the reserve wastewater flow capacity the plant could handle based on the last 3 years of monthly average flow data. Every month the facility is required to report an average measured percentage of daily hydraulic and organic loading to the state, which is called flow. Gabby calculated the wastewater plant can still accept up to an additional 15% of daily loading (about 5,000 gallons per day) and still fall below the state requirements of an 80% average monthly flow before the state and the permit would require designing an expansion to the plant's flow capacity.

Cathy asked how specifically Gabby calculated the average monthly flow. Gabby replied that she averaged the flow data from the months of June through September 2017 through 2020 (June only) to determine the plant's the three-year flow average. Then she went further and averaged all the monthly

flow data from 2015 to the present and determined that the average monthly flow was running at 60% of the plant's total flow capacity. To be conservative Gabby stated we can accept 15% additional average monthly flow but could accept up to 20% if needed. She added that some months may push us beyond the 80% monthly flow capacity limit as has happened in the past and that past incidents where average monthly flow exceeded 80% were included in her long-term average for the plant. Gabby further stated that the permit requires a plant expansion to be designed when the allowable capacity flow (80%) is exceeded.

Cathy asked Gabby to find exactly how the CDPHE determines when a wastewater treatment plant has exceeded its flow capacity, which would trigger the need to design a plant expansion and that we should calculate our current reserve flow capacity using CDPHE's method so the LID isn't unprepared. Gabby followed that she is providing the flow averages based on the requirements of the permit and that the WWTF has in the past exceeded the 80% flow capacity limit, but the state has yet to require an expansion design and that it would take multiple months of average capacity above 80% to trigger this requirement from the state and the permit.

Jeff Mason was concerned without the pool running this year why our monthly flow has been so large the last few months. Gabby replied that the average monthly flow for April, May, and June to a lesser extent was up due to COVID 19 because everyone was home and she had seen this trend at all the wastewater plants ORC manages. Cathy reiterated that we need to utilize how the state determines a violation where a plant must undergo an expansion design due to exceeding the flow capacity. Gabby explained that routinely exceeding the 80% flow capacity wasn't a violation, but not redesigning the plant to meet the new flow capacity is a violation of the permit requirements. Jeff Mason asked for clarification on what "routinely" meant and is it considered "routinely" when the plant exceeds the 80% capacity just a few nonconsecutive months over the year or is it considered "routinely" when the plant exceeds the 80% capacity month after month? Gabby replied that she had asked the state this question in the past and they were ambiguous about their rationale, but said it was akin to a "three strikes and you're out" situation. That after three months of exceeding the average monthly flow capacity the state could request the plant to redesign for a higher capacity, but that she has not seen the state issue such a letter even for plants that have exceeded the flow capacity for more than three consecutive months.

Jeff Mason relayed that some residents of the Eldorado Springs community are concerned that even exceeding the plant's 80% flow capacity even for one month could trigger the state to require a plant upgrade design and that he wanted an explanation he could use to reassure the LID is doing everything it can to keep that from happening. Cathy reiterated her concern that we need to figure out the most conservative monthly flow average and base our future flow capacity from there. In essence, look at our average monthly flow data and base our potential flow capacity off of the highest three-month peak average to obtain the most conservative monthly average reserve flow capacity.

Mark screen shared with the committee a table of monthly flow averages from 2013 to 2018 that was used in a study to look at the potential effects of Doug Larson's pool and ballroom expansions on the average monthly flow. Mark pointed out the months that exceeded the 80% monthly average flow

capacity, which were highlighted in red and yellow. Yellow indicating a month where the average flow fell between 80%-95% and red indicating a month where the flow exceeded 95%. Mark provided an explanation why each of the highlighted months had exceeded the 80% average flow capacity limit.

- September 2013 (highlighted red) was 105% due to the flood
- May 2015 (highlighted red) was 98% and there was no information available to determine why
- August 2015, July 2016 and August 2016 (highlighted yellow) were 82%, 84% and 83% respectively and were thought to be the result of summer pool use.
- June 2018 and July 2018 (highlighted yellow) were 91% and 81% respectively and were the result of an accidental release by the pool which was remedied through communication with EAS.
- Mark further pointed out the annual average flow for 2013 was 60.4% including the September flood and was 56.4% not including the September flood.
- The annual average flow for 2018 was 59.8% including the accidental release by the pool and was 57% not including the accidental release.
- The 6-year average flow from 2013-2018 (minus the flood) was 60.4%
- Mark added that the chart was created in 2018 and that the 2019 data could easily be added.

Jeff Mason remembered that the committee had previously used this chart to calculate the reserve average monthly flow capacity for the plant. Cathy also remembered utilizing this chart and proposed that we calculate three-month averages to determine a three-month peak average flow to be used as the most conservative reserve capacity. Gabby indicated the three-month peak average flow would still show the plant has a 15% flow capacity before exceeding 80%.

Mark pointed out that EAS is currently contributing very little of the current flow to the wastewater plant but is expected to add 7.25 EQR (1,880 gallons daily) from the ballroom. The Manteuffels will add .25 to .5 EQR and the Griffith property will add .25 EQR. Mark referenced these expected future flows to the plant's 15% (5,000 per day) reserve capacity.

Cathy summarized her understanding that if we have 15% (5,000 gallons per day) reserve capacity, given the future expected additions to the plant's current flow that we still have the flow capacity for future residential expansions.

Invoices and Budget

Mark pointed out the LID had the typical monthly bills from Excel and SDS as well as one bill from ORC. There were no invoices from Ambient.

The LID didn't receive the most current budget this month, but Mark did add the invoices from the last month to the previous budget statement.

New/Old Business

261, 267, 277 Eldorado Springs Drive

Jon Adam outlined the latest info on the property owner. The property owner was invited to this month's ESLAC meeting but did not come to this meeting as the owner thought we were meeting on a Tuesday and had made prior plans. The property owner had stated this in an email sent to Jon before the meeting. Jon shared a summary of the property owner's email with the committee. In the email, the property owner questioned the committee's findings that the owner's sewer lines were responsible for the repeated E-one pump failures. The property owner made the point that the current pump hasn't failed in the last nine months and wondered if the pump failures were a result of poor workmanship repairing the pumps.

Jon updated the committee on his findings of an investigation with Boulder County Land Use to see if the property owner had even started an application for work on the sewer lines. Jon had seen a permit notice in front of one of the owner's properties during his last site visit. It was determined from Code Enforcement that the permit notice was for a different property behind the owner's properties, but that the owner had permit holds due to code violations on two of the three properties in question. Code Enforcement also assured that the property owner would still be able to obtain a permit to repair the sewer lines for any of the three properties associated with this issue.

Ken commented that the property owner is not addressing the committee's question head on. Ken stated the owner needs a firm date to pay half the costs of the pump repairs and the investigation and a firm date when the owner is going to act on the sewer line repairs. Jeff Mason concurred with Ken's comments and he became increasingly concerned when he saw the for sale sign on the owner's properties. Jeff expressed we need to set some hard dates for the property owner to follow through on. Ken then referred to an email the county had sent to the owner and Mark followed up with a brief timeline of those communications with the owner.

- During the May ESLAC meeting the committee asked the County to draft a strongly worded letter outlining the Rules and Regulations as they apply to the properties and what the committee wanted the property owner to do. The letter was drafted and shared with the committee for further input.
- Next, the owner met with Gabby and Ken at the properties to discuss the findings of the investigation and the pump repairs.
- Then the property owner attended the June meeting and we all left the June ESLAC meeting feeling pretty good about the commitments the owner had made and it was decided not to send the letter. It was further decided, as a result of the meeting, to keep working with the owner and that the owner would come to the July ESLAC meeting to update the committee on progress and intent to pay half the costs of the pump repairs and the investigation.

Since the property owner didn't attend this meeting as discussed, the committee decided now that it is time send the letter. Mark asked for guidance from the committee on what dates they want to include in the letter so it can be extremely clear to the property owner what the committee expects. Ken confirmed that we could work out the details of the letter to the owner in further emails. Cathy asked that we send a bill to the property owner along with this letter. Mark asked for clarification that an invoice would be sufficient and Cathy agreed. Jeff Mason asked for final clarity that the county would be sending an invoice for half the sum and that a hard date be included for when the property owner must get back to us about the progress on the sewer line repairs.

Vija asked what the property owner's incentive was to fix the sewer lines. The owner knows what the committee expects, but what more could be done to assure the owner will follow through. Vija expressed that if any further damage was done to LID property, the E-one pump, that the property owner would also be responsible for the full cost of fixing and replacing the pump.

EAS Pool Project

Jon Adam referenced an email sent by a member of EAS's pool design team about the hook up to the Eldorado wastewater treatment system. There was confusion primarily over the use of an 8 inch connection pipe and pumping 200 gallons per minute into the wastewater system, neither of which the Eldorado WWTF system can accommodate but is normal for a more typical wastewater treatment system. Gabby suggested we have a meeting with Doug's team to determine what works best for the Eldorado WWTF.

Ken Sheldon provided a historical clarification. It was decided previously that commercial grade grinder pumps be installed in a much larger reserve tank with the capacity to handle 200 gallons per minute at certain times. The 8 inch gravity pipe would connect to the reserve tank and the grinder pumps would then pump at a rate the wastewater system could handle from the reserve tank.

Doug commented that there was a misunderstanding by Jim Healy from CCM, which prompted his communication to Gabby. Jim had read the tech sheet as 300 gallons per minute controlled by a manually restricted flow when EAS would backwash the filter apparatus once a month. Doug suggested that they can manually control the backwash from the particular filtration system they chose over a longer period of time so as not to overload the wastewater treatment system. Therefore, not needing an additional reserve tank as was used in the previous pool.

Jon Adam proposed a Teams meeting between Doug's team, the county and members of the ESLA committee to finalize the design of the pool connection. Mark Ruzzin added that if the discharge rate for the new the pool is the same as the discharge rate from the old pool that there shouldn't be any issues, but that there needs to be steps in place to insure the connection system is designed to handle the discharge rate from the new pool. Ken Sheldon clarified that the primary issue was figuring out how to connect an 8 inch flow pipe to the Eldorado WWTF system.

Cathy Proenza asked Gabby if the current spec sheet on file at the County Land Use department was enough to answer her questions about the design or if she needed additional information. Gabby said she hadn't seen anything other than what Jim Healy had sent in his email to Gabby and that she was not in a position to grant any approval of the new pool connection design. Cathy felt that a meeting as proposed was necessary and that we include Kevin Tone in the meeting since his expertise could help everyone think through the design concerns of the new pool connection. Cathy also asked if Land Use should be the ones making these design decisions and that the county should be doing more. Both Vija and Mark expressed that given the unique nature of the Eldorado WWTF that the county Land Use department would defer to the LID about the design specifics required for the pool connection to the WWTF.

Alternatives Analysis

Jon Adam said we are making progress on the contract and that we were near completion of the contract with BC Public Health and Wright Water Engineers (WWE). Mark concurred about the near completion of the contract and that he had shared the feedback both Cathy and Vija provided to WWE and that WWE was perfectly fine with addressing the issues raised in the feedback. Mark outlined the next steps, which were to start on the stream gauge and to participate in six meetings between WWE and the LID to discuss all options moving forward. One of the initial meetings will allow for a discussion on the 3 potential options for meeting the new permit requirements that was asked by Cathy and Vija in their feedback to WWE.

Jeff Mason asked if the LID will be paying the full \$15,000 for the work to be performed by WWE. Mark replied that we haven't had an opportunity to look at costs sharing ideas with the county and other interested parties but will continue to work on that. Mark did include that BC Public Health did require the BC Office of Financial Management to perform a budget analysis of the LID's ability to meet the financial obligation of the contract and that the LID's current budget was about \$102,000 which doesn't include future revenue for the rest of 2020. Mark also added that the purchase of the spare SB pump was approved and that there would be about three weeks to receive the pump.

Gabby left the meeting at 1hr and 15 minutes.

Tree Trimming

Jon Adam relayed that he had gotten an email from Eldorado resident Scott Lehman that he had done much of the trimming for the property owners along the access road. Ken had reported that he walked with Scott Lehman along the access road and that Scott had already completed a majority of the work along the access road and effluent line even along the LID property with assistance from Christian Griffith. Ken recommended that we get the fire department to haul away the slash as has been done in the past. Jeff Mason concurred and asked that the county does what it can to remove the slash to assist in the work already done by Scott and Christian.

Jon added that the county can provide a roll off to place the slash into at no cost to the LID via the Resource Conservation Division's community waste diversion program. Jon asked where the roll off

could be placed. Ken said a roll off was staged on one of his parking lots. Doug Larson offered to pay for a tree service to come and collect the slash if the fire department wasn't available to collect the slash. Doug mentioned Mountain Tree Care as a possible company to handle the slash.

Vija referenced back to the Alternatives Analysis discussion and asked about the status of the stream gauge at this point. Mark Ruzzin stated that WWE will be expediting the process of evaluating the best location of the stream gauge under the scope of work in the contract. He further pointed out the Jane Clarey of WWE put him in contact with a city of Boulder staffer to further discuss the city's interest in having a stream gauge East of the Community Ditch diversion. Work on the stream gauge location will be started by WWE as soon as the contract is finalized, hopefully by November when the flow is the lowest.

Parking Signs

Ken shared, via email, two photos of the access road gate and the WWTF. Ken explained there already was a sign posted at the gate limiting access but that we could mount another sign if the committee felt it was needed. Ken also suggested the a no parking and a towing sign should also be mounted on the prominent South facing wall of the WWTF. Cathy expressed that there was no need for a no parking and towing sign at the gate given the current signage and that there was no obvious parking between the gate and the WWTF. She did include historically that the only place where unauthorized parking occurred was at the pullout in front of the WWTF and that is where we should put the signs.

Jon brought up that he had the same line of thought as Ken and Cathy and had obtained the cost of a no parking sign and a towing sign from the Public Works sign shop, the total being \$41. Jeff Mason brought up the history of a chain across the access road at the gate and asked where the LID stood. Ken brought up that at June ESLAC meeting, of which Jeff was not in attendance, that the LID didn't want to keep people from walking or biking on the access road as it led to open space beyond.

There was a brief discussion brought forth by Jon about the need for a towing company on hand if the need arises. Doug Larson added that he uses Marv's towing for EAS's parking lots but Marv's requires a contract. Mark stated that we will see if the county already has a towing contract that the LID could use.

EAS Ballroom Connection

Since Doug was in attendance Jon initiated the conversation with Doug about meeting with him in the near future to discuss the ballroom connection to the WWTF and to discuss areas in which the LID could collaborate with Doug on future LID access to his property. Mark furthered the conversation by providing background from the June ESLAC meeting on the subject.

- Mark first presented that according to the LID rules and regulations the ballroom connection would need a modified permit from the LID since the connection, though not new, was a different use.
- Mark brought up needing a stream gauge that would be helpful for the LID to collect steam flow data East of the Community Ditch diversion. Currently this is a gap in the stream flow data

CDPHE collects along the South Boulder Creek and because of this gap, it makes it very difficult for the LID to prove to the state that there actually is water in this portion of the South Boulder Creek year round and that has an impact on the operating permit the WWTF has with the state. Furthermore, the plant has some challenges meeting some permit some renewal requirements coming up in 2020 and having this stream flow data from a stream gauge East of the Community Ditch diversion would help the LID meet those requirements. The City of Boulder is also highly interested in a stream gauge in the proposed area because the city is also required to collect stream data as a requirement of the Gross Dam expansion. The city is also partnered with Boulder Flycasters to use stream gauge data to monitor stream health of the South Boulder creek. Currently the first Bridge in Eldorado Springs is being considered a prime location for the stream gauge.

- Next Mark brought up the incident where the McDonald Farm sludge truck was parked on EAS property and that the LID would like to seek an easement from EAS to allow the sludge truck to park in the EAS parking lot in the future.
- Last, Mark brought up the LID's requirement that discharge monitoring equipment be installed for both the EAS ballroom and pool connections to collect real time data of their impacts on the WWTF.

Mark asked if Doug was interested in having such a conversation hopefully next week. Doug responded that he is open to having a discussion on all the issues mentioned.

- Doug was concerned about having a sludge truck parked next to the pool and ballroom and would want some liability protection in case of a spill.
- Doug agreed that the proposed location of the stream gauge at the first bridge was a good idea because it would be located below the EAS and the Lafayette discharges and anything that leaks through the diversion dam for the Community Ditch. He also shared that he knows for a fact that it's very difficult to maintain the minimum 2 CFS flow in the South Boulder creek in the winter because the adjudicated rights of maintaining that 2 CFS flow is still junior to all the preexisting water rights to that water. Since the drought of 2001 it's been very difficult to maintain a flow of 2 CFS in the winter, but before the drought of 2001 the winter flow was closer to 5 CFS. Doug also proposed that the stream gauge could be placed below the WWTF discharge to get the added benefit of that water. Doug also expressed concern that Wright Water Engineers represents some of his competing interests and would want to be assured he would be protected.
- Doug's response to the MOU was that he thought there was no longer an MOU. He did agree that a reasonable rate of charge for discharging over the daily allowance was fair. He was fine with having a method in place to assess and pay for excess discharge.

Mark responded that we will reach out to Doug via email to set up a time for the meeting.

Board Member Elections

Ken Sheldon is leaving the ESLAC and the recruitment period has been open since July 10th and will close on August 11th. Jeff Mason added that we can start talking to the community to garner interest in the board position. Mark added that there is an application required and that we can send out an email to the ESCA list with the link to the board position. Mark stated it might be possible that the new board member will not be available to serve until after the September ESLAC meeting and that Ken will have to stay on until the process is completed. Cathy asked about the item on the agenda on board member term limits. Jon explained that currently county board members can stay on for three consecutive terms, three years each and that the ESLAC board could discuss this option in the future given that the Eldorado community has a smaller number of potential applicants to choose from than most communities.

Mark added that in the earlier meeting with the LID Attorney, Kate Burke, that she will be looking into the rules and regulations.

Public Comment

Janet Robinson thanked the committee for all the information. Doug referenced Gabby's earlier comment on the increase amount of wastewater in the past three months and that EAS has seen a 45% increase in water use during that same time. Doug asked about the useful life of the WWTF and if there were upcoming regulations that would require expansion of the plant regardless of the flow capacity usage. Doug also asked about the cost of increasing the capacity of the WWTF and he explained that the excess flow from the pool in 2018 was a stormwater issue because EAS was told to connect the deck drains to the wastewater outflow. Jeff Mason thought it was a good idea to look at the future cost of an expansion to the WWTF to be prepared in the future should the need arise. Jon Adam brought up the discussion at the June committee meeting about looking into continuing the current tax paying off the loan but at a lower rate.

The meeting adjourned at 2hrs.