



521 Drainage Authority  
Minutes of the Annual Board Meeting  
March 23, 2011  
Mesa County Courthouse  
544 Rood Avenue, Training Room B, Grand Junction, Colorado

**Board Members Present:**

Richard Bowman, Chairman  
Craig Meis, Vice-Chairman  
Dave Edwards, Director  
Mel Mulder, Secretary  
Tom Kenyon, Treasurer

**Board Members Absent:**

None

**Technical and Authority Staff Present:**

Trent Prall	City of Grand Junction, Engineering Manager
Bud Thompson	Mesa County, Project Manager
Julie Constan	Mesa County, Engineering
John Ballagh	Grand Valley Drainage District Manager
Ken Haley	City of Fruita, Engineer
Tim Moore	5-2-1 Drainage Authority Manager
Mary Sparks	5-2-1 Drainage Authority Admin Assistant

**Guests Present:**

Teresa Coons	Mayor, City of Grand Junction
Susan Holappa	Senator Mark Udall Constituent Services Advocate

**ANNUAL MEETING**

**Called to Order**

Chairman Bowman called the meeting to order at 3:08 p.m. Roll was called.

**Introduction of Visitors and Guests**

Director Bowman asked everyone around the room introduce themselves.

**Review and Adoption of the Annual Meeting Agenda**

Director Bowman added Mayor, Teresa Coons to the agenda to discuss Stormwater Rulemaking.

Motion to adopt the amended agenda: Chairman Kenyon

Seconded: Director Meis

In favor: All

Opposed: None

Motion passed with voice vote 5-0

**American National Bank Representative Kristi Adams**

Corporate Authorization Resolution – Ms Adams had all board members sign the resolution to authorize bank transactions for 2011.

**Annual Meeting Agenda Item 1 – Summary of EPA/CDPHE Regulations**

Overview by - Mayor Teresa Coons

Mayor Coons was present not as mayor but as appointed as a member of the local government advisory committee to the US EPA to serve a two year term. There are 36 members of that committee all over the country primary mayors, city council members, county commissioners and some tribal officials from Native American tribes within the United States. The committee's role is to advise the EPA administrator on the communities concerns and issues about proposed regulations or rulemakings. Meetings are quarterly and all serve on sub-committees monthly by teleconference. Mayor Coons serves on two committees: Protecting America's Water and Air, Climate and Energy. Other committees are Environmental Justice, cleaning up communities and a small communities committee. The representatives on the Local Government Advisory Committee (LGAC) are people who come from communities that range from under 5,000 in population to the large cities like New York City and L.A. They cover a lot of issues and whole geographic spread across the country.

Mayor Coons was present primarily to talk about the proposed Stormwater Rulemaking. The goal is to get feedback from local entities, go back to the committee to discuss, and provide recommendations to the EPA administrator.

Some of the issues the water committee is dealing with this year are:

- Hexiphalum chromium in drinking water, both testing and concern of conversion of the disinfection process
- Perchlorate regulations
- Fracking fluids, oil and natural gas productions, waste waters. Concerns about groundwater contamination. Disposal of waste water through waste water plants.

Main topic is the Proposed Stormwater Rulemaking the EPA is going through right now. The committee is asking for feedback and comments, hopefully within the next two weeks. LGAC will be meeting in April and local input is very important.

A Powerpoint presentation of Stormwater Rulemaking by Holly Galavotti from the US EPA headquarters was provided. Highlights to key issues:

- EPA's premise for taking a look at stormwater management is that the current approach is not adequately controlling water quality and water quality impacts from discharges. EPA wants to take a new approach using Green Infrastructure by reusing stormwater instead of disposing through water treatment plants.
- EPA is considering developing performance standards for discharges from new and redevelopment projects. EPA is looking at expanding MS4 boundaries beyond current boundaries and redefining what those MS4 would apply to. Whether it is census tracks rather than municipal boundaries, or a full regional approach is undetermined at this point. EPA is seeking feedback as it intends to propose a rule in September 2011 and to take final action by November 2011.

- Green infrastructure can provide a cost-effective means of protecting water quality from stormwater discharges. Other benefits from a rule that promotes green infrastructure are:
  - Reduces the amount of rainwater that enters into sewer systems  
Increase jobs by creating certified installers, operators and maintenance staff, and landscape architects
  - Creates more liveable communities by providing trees, vegetation and open space
  - Reduces energy usage
  - Recharges groundwater and restores depleting groundwater supplies
  - Creates more habitat for wildlife
  - Improves air quality

Regulatory Options for New Development Standard to Meet Requirement

- Working outside of urbanized areas and how do we deal with it
- Redevelopment with all the budget constraints would discourage development which would impact the community.

Board Member Craig Meis shared concerns about the EPA's one size fits all approach and being very prescriptive. The ultimate goal is to mitigate or minimize man's impact on water quality. EPA plans to do that by coming up with baselines and standards, however how an entity gets from A to B should be up to the local community.

Mayor Coons further explained that part of this rulemaking process is to promote the concept of alternative ways of managing stormwater.

Board Member Craig Meis stated one issue was brought up to the subcommittee, proposing a conceptual approach, green infrastructure and alternative ways of managing the stormwater. EPA was not detailing exactly how to do that but leaving that at the local level and not the federal level. The rule also aims to provide flexibility were certain practices may be limited due to water rights issues. For funding the mandates, the states have a fund under the Clean Water Act to help pay for new infrastructure. However, most state budgets are in peril so any available funding may not be available.

Board Member Tom Kenyon there is a huge amount of stormwater issues coming off of federal land where there is no protection and no guidance. His concern is that we have a 10" rain with a river of mud, but the tendency is to concentrate on the developer who has 1/10 of an acre who has a plan. However there are no plans for all the federal lands and old mines. What kind of mitigation factors and costs do the federal lands, BLM, Park Service and the Forest Service do to slow down the impacts of flash floods? It should not be just a local problem.

Board Member Meis continued by stating groups within the EPA and other federal agencies promulgate regulations and however never communicate with each other. These cumulative impacts to the regulated community is huge.

Mayor Coons requested that the board members read the provided information and email comments back to her by March 30<sup>th</sup>. The full committee meeting will be April 15-17 in Chicago.

TAC will meet Friday, March 25 to formalize comments based on the TAC recommendations.

## **Nutrient Standards/Minimum, Reg 85**

Overview by - Julie Constan

CDPHE is proposing new regulations to cover nutrients, nitrogen and phosphorus. This regulation is going to hit wastewater treatment plant dischargers and stormwater. Major impacts of the new regulations are:

1. MS4's provide more education on the impacts of nutrients in stormwater with the goal of keeping nutrients out of the stormwater.
2. Monitoring regulations require local entities to have a monitoring plan in place to monitor where outfalls are of stormwater and where stormwater enters the Colorado River. Monitoring would begin March 2013.

Lakewood is already monitoring stormwater because they are a NPDES Phase I community at a cost of \$30,000 per year to monitor one sampling point. If the 521 Drainage Authority had to monitor where each of our washes came into the Colorado River, (approximately 20 to 28 sites) the cost would be \$540,000 per year of additional costs that the 521 does not have.

All this sampling generates tons of data, however CDPHE does not have the resources to do any analysis on the data. The primary concern is that this will pave the way to have numeric limits on stormwater discharges which in turn could lead to more expensive stormwater treatment facilities.

The water provider community has also been very against nutrient and water quality limits. Diverters are in opposition as well as waste water treatment facilities.

The 521 is putting together comments to include the Governor's recent executive order, no more unnecessary mandates, request that the state pay for these mandates and that the 521 does not have the dollars available to generate more data and request more clarification on what will be done with the data.

Direction was provided to draft a letter to the state representatives with concerns about Reg 85 with the needs of the Western Slope.

## **House Bill 1026**

Overview by - Tim Moore

House Bill 1026 is a stormwater regulation at the state level focusing on the construction phase of the stormwater management program. The 521 Drainage Authority currently manages all or portions of six minimum measures:

1. Public Education & Outreach
2. Public Participation and Involvement
3. Illicit Discharge
4. Construction Sites
5. Post Construction Management
6. Good House Keeping

The House Bill 1026 targets just one of the six minimum measures: Construction Sites. This bill has had a lot of support and looks like it will pass. The idea of the bill is the folks doing a really

good job of managing stormwater on their construction site should not be punished. The thought was if the industry could get together, hire a construction manager to do stormwater management, inspections, meet with contractors and ensure all of the onsite requirements are being followed. This would take some of the load from CDPHE and reward some of the contractors that are doing a good job by having onsite inspections with good reports that the state could look at and not have to go the sites for inspection. From the 521 Drainage Authority's perspective, the 521 already provides this service and does not see this being an issue on the Western Slope. Neither of the two construction groups, Associated Builders and Contractors (ABC) and Western Colorado Contractors Association (WCCA), expressed a desire to implement this. There is no money to fund this, it is voluntary, and everyone would have to agree to it and yet it would still have no enforcement ability. If this inspector found a problem on a site, they would have to contact the MS4 or the State to resolve the issue. The bill is expected to pass but 521 expects too little impact to the Western Slope.

The latest census data for Fruita came in at 12,600, which is over the 10,000 threshold. Fruita will be MS4 community to go into effect by 2013. Fruita would have sign their own IGA for the 521 Drainage Authority or be independent.

### **Annual Meeting Agenda Item 2 – Election of Officers**

Director Richard Bowman, Chairman of the 5-2-1 Drainage Authority  
Director Craig Meis, Vice-Chairman of the 5-2-1 Drainage Authority  
Director Mel Mulder, Secretary of the 5-2-1 Drainage Authority  
Director Tom Kenyon, Treasurer of the 5-2-1 Drainage Authority.

Motion to leave all board members in the current positions: Director Kenyon

Seconded: Director Mulder

In favor: All

Opposed: None

Motion passed with voice vote 5-0

Chairman Bowman adjourned the Annual Meeting at 4:05 p.m.

### **REGULAR MEETING**

#### **Called to Order**

Chairman Bowman called the meeting to order at 4:05 p.m.

#### **Consent Agenda:**

- Agenda Item 1 – Review and adopt minutes of the December 8, 2010, Regular Meeting of the 5-2-1 Drainage Authority Board Meeting
- Agenda Item 2 – Financial Reports

Motion to adopt the Agenda as printed: Director Mulder

Seconded: Director Kenyon

In Favor: All

Motion Passed with voice vote of 5-0

Motion to approve Consent Agenda as printed: Director Mulder  
Seconded: Director Meis  
In Favor: All  
Motion Passed with voice vote of 5-0

## Financial Reports

### Overview of Financials – Tim Moore

Financial report through November 2010 to February 2011.

The following check was signed by the Board:

1. 5-2-1 Drainage Authority – Check No. 1449: \$50,000, first quarter contract payment to the City of Grand Junction.

The 521 Drainage Authority deposited \$148,451 from Mesa County into checking for the bridge design at D and D ½ Road. The 2010 budget year ended about \$20,000 below budget.

The final Auditor's report for 2010 by Paul Miller, C.P.A will be presented at the next board meeting.

Move to accept the Financial Report from November 2010 through February 2011:

Director Kenyon

Seconded: Director Mulder

Motion to approve Consent Agenda: Director Bowman

Seconded: Director Meis

In Favor: All

Motion Passed with voice vote of 5-0

End of Consent Agenda

## Discussion Items

### 3. 2012 Proposed Allocation of Costs

Overview by - Tim Moore

At the Board meeting held on December 8, 2010, two alternatives were prepared and there was a request to draft a third alternative. Option A - Split the costs equally among all five entities and applied percentages to be divided between all five entities. Option B allocates Palisade and Fruita paying a less percentage across the board.

Option A	Mesa County	- 20%,
	City of Grand Junction	- 20%
	Grand Valley Drainage District	- 20%
	Palisade	- 20%
	Fruita	- 20%
Option B (Revised)	Mesa County	- 35%,
	City of Grand Junction	- 35%
	Grand Valley Drainage District	- 20%
	Palisade	- 5%
	Fruita	- 5%

This increased the allocation for the City of Grand Junction and Mesa County by \$5,000 and Palisade and Fruita's allocation decreased by \$5,000. Grand Valley Drainage District allocation stayed the same. It was agreed that Option B more fairly represents the burden to Palisade and Fruita. Mesa County and the City of Grand Junction have most of the activity that the Authority addresses.

Motion to adopt 2012 Proposed Allocation Cost Option B: Director Edwards  
Seconded: Director Mulder  
In Favor: All  
Motion Passed with voice vote of 5-0

#### **4. Power Line opposition related to Bosley Wash**

The Bureau of Land Management intends to prepare an Environmental Impact Statement analyzing the impacts of a proposed 600-kilovolt overhead electric power line beginning in south central Wyoming, crossing Colorado and Utah and terminating in southern Nevada. This project is approximately 725 miles long and there are a number of alternatives for locating the project. There are two alternative routes shown for Mesa County and 521 staff is concerned that the southern-most alternate route identified, directly adjacent to the I-70 corridor could adversely impact the 5-2-1 Drainage Districts plans for improvements to Bosley Wash and other future projects between I-70 and the Bookcliffs. As a result, the TAC suggested the Board send a letter expressing our concerns during this comment period. We have included a draft letter in the packet for your review.

Board Member Meis commented that these are large towers and the route has little to no chance of happening. In the letter remain silent on alternative corridor in Mesa County, exclude the last sentence and send the letter.

Motion to send the letter excluding the last sentence of the letter: Director Meis  
Seconded: Director Mulder  
In Favor: All  
Motion Passed with voice vote of 5-0

#### **5. Manager's Report**

Overview by – Tim Moore

**Stormwater Training** - have had a great response for the April training and hope to show a profit. The next classes are scheduled for November. This is part of our Public Outreach, Public Communication piece that our permit standard requires.

**Construction Stormwater Permits and Inspections** - seeing more development activity and have about 12 new permits applications from November to February.

**Illicit Discharge (Hot Line) Complaints** - report is part what we need to do to manage our permit. There were 35 Hot Line calls last year and so far this year we have had 12 calls.

**CDPHE Complaint Referral** - CDPHE office in Denver notified the 521 Drainage Authority of a notice of violation of a small business being managed from a residence washing the driveway with gasoline. After an inspection, no evidence was found of gasoline in the storm drain systems.

Chairman Bowman commented the 521 did a great job investigating, documenting and the following up on the referral.

**Public Education 2011 TV and Billboard plan** - Implementing same program as last year with billboards, bus stops, advertisements and TV. The anticipated program will cost \$24,000 and is part of the \$200,000 contract with the City for the 521 Drainage Authority.

**Bosley Wash Detention Facility Design** - The City would like to delay the schedule for final design of the dam for the Bosley Wash Detention facility until fall of this year. We anticipate that design of the structure will be complete by December with review approval from Division of Water Resources Dam Safety Branch by March 2012.

**Lewis Wash bridges at D & D ½ Road** - The City of Grand Junction is completing design of the D Road and D.5 Road bridges along Lewis Wash for the Mesa County Public Works Department. The current schedule includes completion of design for the D.5 Road bridge in June and D Road bridge in October. This effort also includes application of a Conditional Letter of Map Revision (CLOMR) to FEMA that would represent mitigation of flood hazard on properties adjacent to the wash as a result of the bridge replacements.

The City understands that Mesa County may delay construction of the D.5 Road Bridge until winter of 2011/2012. This would allow adequate time for review of the CLOMR by FEMA, response to comments, and approval of the CLOMR. The City plans to submit the application for a CLOMR in the next six weeks.

Mesa County thought the D and D ½ Road bridge projects would be to have the 521 Drainage Authority take advantage of the two improvements because Lewis Wash now has an identified flood plain. As we are making these improvements, we are taking these homes out of the flood plain area. This is a positive exposure for the 521 to be associated with. That is why the 521 is managing the dollars from Mesa County for these projects. As we are able to modify the flood plain boundary as a result of these projects, the 521 can talk to people about the benefit from these projects. The money we have is for design and to construct the money will be available in 2012 for Lewis Wash and 2012 for Bosley Wash.

There are 282 homes in the flood plain area in Lewis Wash. If all homes were required to have flood insurance, the rates vary from \$1,400 to \$3,000 per year. There will significant savings to each home owner for doing this.

**Meeting Calendar:** The next meeting will be the regular meeting scheduled for Wednesday, June 22, 2011 at 3:00 p.m.

Meeting adjourned 4:35 p.m.



**Richard Bowman, Chairman**