

BOARD OF TRUSTEES MEETING MINUTES

March 18, 2024
** District Office**
5:00 p.m.

I. CALL TO ORDER

The March 18, 2024, Board of Trustees meeting was called to order by Chair Jan Wilking at 5:00 p.m. Other Board members in attendance were Mary Ann Pack, Robert Richer, Richard Pick, and Ryan Dickey. Staff in attendance were Mike Luers, Dan Olson, Chad Burrell, Kevin Berkley, Bryan Steele, Cory Shorkey, and Kim Dudley. Also, in attendance were Craig Ashcroft, Carollo Engineers, and Jeremy Cook, Cohne and Kinghorn.

II. CONSENT AGENDA – Approval of Board Meeting Minutes for Feb. 26, 2024

Ms. Pack mentioned that there was a typo in the minutes on page 5. Ms. Dudley corrected the error.

Ms. Pack made the motion to approve the Consent Agenda, Mr. Richer seconded, and the motion carried with Mr. Dickey, Mr. Richer, Mr. Pick, Ms. Pack, and Mr. Wilking voting in the affirmative.

III. PUBLIC INPUT – There was no public input.

IV. APPROVAL OF EXPENDITURES – Bills in the Amount of \$1,171,259.09 – The Expenditures include a bond payment of approximately \$250,000. Mr. Luers asked the Board to consider approval of the Expenditures.

Mr. Pick made the motion to approve the Expenditures, Ms. Pack seconded, and the motion carried with Mr. Richer, Mr. Dickey, Mr. Pick, Ms. Pack, and Mr. Wilking voting in the affirmative.

V. SUBDIVISION PROJECTS

A. Sunrise Gondola – 0 REs

Mr. Shorkey stated the applicant has filed a Line Extension Agreement to realign wastewater main lines within the Canyons Village Development. The proposed project will make room for a new gondola base terminal. All mainlines to be removed and replaced are 8" gravity lines.

Mr. Pick asked how this came about. Mr. Shorkey replied that the city requires a sign off from the District, so the applicant knows where the wastewater lines are.

Staff recommends approval.

Mr. Richer made the motion to approve the Subdivision Project Sunrise Gondola – 0 REs, Mr. Pick seconded the motion carried with Ms. Pack, Mr. Dickey, Mr. Richer, Mr. Pick, and Mr. Wilking voting in the affirmative.

B. Lower Village Parking Garage – 60 REs

Mr. Shorkey said the applicant has filed a Line Extension Agreement to extend wastewater main lines from Canyons Resort Drive near the Cabriolet. The proposed project will be served by gravity main line, extending into the development. A short portion of existing gravity mainline will be abandoned because of the proposed alignment.

The developer has stated that an estimated 100,000 SF of commercial development will take place adjacent to the parking garage. plans for this development are not available at this time and may change in the future. A future LEA is possible, though not anticipated.

The proposed parking garage will not have a water connection, therefore all wastewater will be generated through precipitation transported on vehicles coming in. This water is not permitted to go into storm drains untreated and will require a sanitary connection.

Mr. Richer acknowledged that this is something he has never seen before. He asked if Summit County was worried about the wastewater getting into the storm drain.

Summit County requires the District to maintain everything inside a structure. Summit County is responsible for everything outside of the structure.

Mr. Pick stated that this would be a very small amount of runoff going into the system. Mr. Luers agreed. He then asked if it was good to approve the RE's even though we're not sure how many there are. Mr. Berkley said that they are a projection of what's coming. It's more for the Engineering Department to make sure there is capacity. Mr. Shorkey said it is a forecast at this point.

Staff recommends approval.

Ms. Pack made the motion to approve the Subdivision Project Lower Village Parking Garage – 60 REs, Mr. Richer seconded the motion carried with Ms. Pack, Mr. Dickey, Mr. Richer, Mr. Pick, and Mr. Wilking voting in the affirmative.

Estimated LEA REs Year to Date: # Above Splitter 4; # ECWRF 0; # SCWRF 64.7; Total 68.7
Proposed this Meeting: # Above Splitter 0; # ECWRF 60; # SCWRF 0; Total 60

VI. DISTRICT MANAGER

A. Information Items

1. Financial Statement
2. Impact Fee Report – Mr. Luers told the Board that we are still slow at roughly 24 RE's for the year.
3. DWQ Update – Mr. Luers wanted to take a minute and give an update on our progress with Division of Water Quality (DWQ). Last month if you recall we were working on obtaining a Use Attainability Analysis (UAA) and that study would review and hopefully modify the classification of that segment of East Canyon that we discharge into. A few issues have arisen since that time which may change our approach.

I want to start out by reviewing who is working on our Team. We have Mr. Ashcroft, Carollo Engineers, Erica Gaddis, SWCA (former Director of DWQ), Joan Card, Culp Kelly LLP (Formerly employed: EPA Region 8, Director of the Arizona Department of Environmental Quality Water Quality Division) and our staff.

The first issue we have is the TMDL study for East Canyon Creek to identify pollution sources and allocate how much an entity can discharge. Our original East Canyon TMDL was completed in 2000 and updated in 2010. The 2010 TMDL was approved by the DWQ and sent to EPA for their approval. EPA notified DWQ that the 2010 TMDL was apparently not approved by EPA, but DWQ did not notify the District until 14 years later. At that time EPA and DWQ were supposed to get together to complete the TMDL and that has not happened. The unapproved TMDL adds another wrinkle to the permitting process.

The second issue is the Clean Water Act (CWA) requires states to develop a list of waterbodies that do not meet the state's water quality standards and why they do not meet the standards. The DWQ prepares a biannual Integrated Report (IR) to meet this federal requirement. Recently the DWQ "sent a mass email alerting stakeholders" that the Draft 2024 Integrated Report was out for Public Comment. We were not part of that mass email alert. However, late last Wednesday, a DWQ employee noticed that we were not on the email list and notified us that the Public Comment period would close in 48 hours and with help from our entire Team, we hustled and submitted our initial comments late Friday. Contained in Draft 2024 Integrated Report are several proposed new impairments associated with the section of East Canyon Creek that we discharge into. These new impairments, if left unchanged, may have a major impact on our current and future discharge permits. Due to the magnitude of the changes, we have requested that DWQ provide additional data

supporting the proposed changes and that they extend the Public Comment period by another 60 days. Since our comments were submitted Friday, we obviously haven't heard back from them.

Concerning our actual permit negotiations with DWQ, we met in person last week, and made progress on a few items. However, we were downright astonished with their approach to determining several inputs to the water quality model used to calculate our permit limitations.

Mr. Ashcroft and Mr. Burrell were in attendance and Mr. Luers asked if they wanted to share their comments.

Mr. Ashcroft stated that he thought we caught them off guard with some of our comments about their model and some inputs not matching exactly what's happening in the creek. The representative from DWQ said that the inputs might be default guides that they can't change and that was bizarre since we are trying to model what is happening in the creek.

Mr. Burrell said a side note too that is the USGS gauges that we have along the stream have been gathering data for decades. Although they are expensive, we are realizing the value of those. It is real live data.

Mr. Pick asked how long we have had the gauging stations. Mr. Luers replied 15-20 years.

We will be assembling our comments and have scheduled another internal meeting next Monday.

Mr. Richer asked if it was suspect at all that we were left off the email distribution. Mr. Luers responded that they do these every 2 years and he went back to his emails, and we were notified then. Mr. Richer then asked if we had been notified would it have changed our response. Mr. Luers said he didn't think so because our Team was able to submit comments in time. One thing they didn't do this time like they did back in 2022 is they didn't have supporting data for the Integrated Report.

As you have probably concluded, our original effort to negotiate new permit limitations has expanded to include TMDL, Integrated Report and other issues. The entire Team is working diligently on the issues.

Mr. Pick said that last month we reported that we received our construction permit. Mr. Luers replied that is still good.

Mr. Richer made the motion to adjourn to Closed Session at 5:41 p.m., Mr. Pack seconded, and the motion carried with Mr. Dickey, Mr. Richer, Mr. Pick, Ms. Pack, and Mr. Wilking voting in the affirmative.

VII. CLOSED SESSION – Discuss the character, professional competence or physical or mental health of an individual

Mr. Pick made the motion reconvene to Open Session at 6:02 p.m., Mr. Richer seconded, and the motion carried with Mr. Dickey, Mr. Richer, Mr. Pick, Ms. Pack, and Mr. Wilking voting in the affirmative.

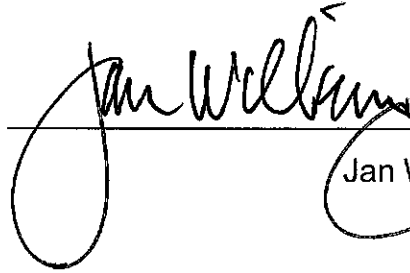
VIII. FUTURE AGENDA ITEMS

- A. Projects
- B. Operations
- C. Finance
- D. Governmental Matters


IV. ADJOURN

Mr. Pick made the motion to Adjourn at 6:03 p.m., Mr. Richer seconded, and the motion carried with Mr. Dickey, Mr. Richer, Mr. Pick, Ms. Pack, and Mr. Wilking voting in the affirmative.





Jan Wilking, Chairman



Kim Dudley, Administrative Specialist
District Clerk