

METRO WATER RECOVERY

Minutes of the Regular Meeting of the Board of Directors

December 21, 2021

The Board of Directors of the Metro Water Recovery, in the Counties of Adams, Arapahoe, Douglas, Jefferson, and Weld, and the City and County of Denver, State of Colorado, met in regular session in-person and via conference call at 6450 York Street, Denver, Colorado, Tuesday, December 21, 2021 at 5:30 p.m., in-person and via conference call in the Boardroom.

Chairman Twombly called the meeting to order.

1. OATH OF OFFICE

The following Director has been appointed by his Member Municipality to complete a term of office expiring June 30, 2023.

Appointed Director

Marv Falconburg

Member Municipality

City of Brighton

2. ROLL CALL

Secretary Niyork called the roll.

Officers Present:

Scott Twombly, Thornton
Andrew Johnston, Denver
Sarah Niyork, South Adams
Jo Ann Giddings, Aurora

Chairman
Chairman Pro Tem
Secretary
Treasurer

Directors Present:

Peter Baertlein, Denver
Greg Baker, Aurora
Phil Burgi, Wheat Ridge
Nadine Caldwell, Aurora
John Chavez, Berkeley
David Councilman, Pleasant View
Deborah Crisp, East Lakewood
Clark Davenport, Northwest Lakewood
John Dingess, Aurora*
Robert Duncanson, Denver
Joan Iler, Westridge
Kathryn Jensen, North Table Mountain*
Craig Kocian, Arvada
Laura Kroeger, Lakewood
Doug Lazure, Denver*

Bob LeGare, Aurora
Charles Long, Thornton
Martin Majors, Fruitdale*
Steve Pott, Applewood
Bill Ray, Arvada
Bob Roth, Aurora
Greg Sekera, Lakewood
Del Smith, Bancroft-Clover
Peter Spanberger, Denver
Mary Beth Susman, Denver
Amerigo Svaldi, North Washington Street
Dennis Towndrow, North Pecos*
Jennifer Williams, Denver
Ronald Younger, Denver

Directors Absent:

Marv Falconburg, Brighton
Janet Kieler, Denver

Kathy Laurienti, Crestview
Michael Sapp, Denver

Others Present:

Mickey Conway
Emily Jackson
Liam Cavanaugh
Dawn Ambrosio
Colleen Dempsey
Molly Kostelecky
Andy Nelson
Jennifer Robinett
Orren West
Ridge Dorsey*
Maritza Franco
Amy Franks
Jack Hennes
Yvonne Kohlmeier
Katie Koplitz
Viktoria Kosinska
Patricia Lopez
Lydia Nkem
Brittany Peshek
Adrian Quintana
Ray Sandoval
Rob White

Chief Executive Officer (CEO)
General Counsel
Deputy CEO/Chief Operating Officer
Director of Strategy and Communication
Director of Human Resources
Chief Financial Officer
Director of Engineering
Director of Environmental Services
Director of Maintenance
Senior Pretreatment and Sampling Manager
Operations Supervisor
Laboratory Support Specialist
Communication Specialist
Senior Administrative Assistant
Senior Regulatory Affairs Manager
Plant Operator – Lead
Employment Manager
Executive Assistant
Administrative Analyst
Facilities Maintenance Supervisor
IT Service Delivery Manager
Fleet Maintenance Manager

*Attended via conference call

3. PUBLIC COMMENT

There was no comment.

4. RECOGNITION OF METRO WATER RECOVERY EMPLOYEE REPRESENTATIVES

CEO Conway recognized a representative group of Metro Water Recovery staff members who played key roles in a variety of Metro’s 2021 contributions and accomplishments.

5. RECOGNITION OF THE 2021 CHAIRMAN’S AWARD WINNER

Chairman Twombly announced the 2021 Chairman’s Award Winner, Employment Manager Patricia Lopez, and expressed appreciation for her perseverance, professionalism, and positive attitude while adapting to new remote hiring practices especially in this unique staffing environment.

Ms. Dempsey noted Ms. Lopez was nominated for the Chairman’s Award by five different Metro Water Recovery departments and provided highlights of Ms. Lopez’s quality of work, determination, and efforts on behalf of Metro and its employees.

Ms. Lopez accepted a commemorative trophy, along with \$500, and her name has been added to the Chairman’s Award perpetual plaque located in the lobby of the Robert W. Hite Treatment Facility’s (RWHTF) Administration Building as the tenth recipient of this award.

6. APPROVAL OF MINUTES

6.a Minutes of the Board of Directors Meeting on November 16, 2021

Chairman Twombly asked if there were any corrections, deletions, or additions to the minutes of the Regular Meeting of the Board of Directors held November 16, 2021.

Director Smith moved and Director Kocian seconded the motion to approve the minutes of the Regular Meeting of the Board of Directors held November 16, 2021.

The motion carried unanimously.

7. PROGRESS AND PROJECTION REPORTS

7.a Report by CEO

CEO Conway reviewed highlights of his report.

7.b Report by General Counsel

General Counsel Jackson stated as a result of Director feedback, content to the monthly legal report will be expanded.

8. REPORTS OF OFFICERS AND COMMITTEES

8.a Meeting Minutes

There were no additions to the following meeting minutes:

Defined Benefit Plan Retirement Board	August 26, 2021
Defined Contribution Plan Retirement Board	August 26, 2021
Operations Committee	December 7, 2021
Finance Committee	December 9, 2021
Executive Committee	December 14, 2021

9. NEW BUSINESS

Consent Agenda

9.a Consideration of Rescinding Unexpended Appropriations

Director Baertlein moved and Director Younger seconded the motion to adopt the following resolution:

WHEREAS, a number of projects of Metro Water Recovery, hereinafter referred to as “Metro,” have been completed and it is now necessary certain unexpended appropriations be rescinded; and

WHEREAS, the total of the unexpended appropriations is as follows:

General Fund	
Capital Project	\$328,499.63
Account	
Fixed Asset	<u>125,115.38</u>
Replacement Fund	
Total Unexpended	<u>\$453,615.01; and</u>
Appropriations	

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend such appropriations be rescinded; and

WHEREAS, the Executive Committee, after having reviewed the matter, concurs in the recommendation of the other committees;

NOW, THEREFORE, BE IT RESOLVED the unexpended balances of the appropriations set forth in the attached Schedule of Appropriations To Be Rescinded—December 2021 be and hereby are rescinded.

The motion carried unanimously.

9.b Consideration of Dissolved Air Flotation Polymer Contract

Director Baertlein moved and Director Younger seconded the motion to adopt the following resolution:

WHEREAS, it is necessary Metro Water Recovery, hereinafter referred to as “Metro,” purchase a supply of emulsion polymer used to condition waste solids (WAS) from the secondary processes during the dissolved air flotation thickening (DAFT) process at the Robert W. Hite Treatment Facility; and

WHEREAS, to ensure the DAFT emulsion polymer products would meet Metro’s performance criteria, full-scale performance trials were scheduled with participation being a requirement to bid; and

WHEREAS, two bids were received and opened on October 27, 2021, with Polydyne Inc. submitting a bid to supply emulsion polymer at a price of \$3.39 per

pound, with a total estimated one-year price of \$487,132.83, and Solenis LLC submitting a bid to supply emulsion polymer at a price of \$3.80 per pound, with a total estimated one-year price of \$631,529.60; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend authorizing the Chief Executive Officer to enter into a one-year contract from February 1, 2022 through January 31, 2023, with Polydyne Inc. as the primary supplier of emulsion polymer at a price of \$3.39 per pound and a one-year contract with Solenis LLC as the alternate supplier at a price of \$3.80 per pound; and

WHEREAS, the Executive Committee, after having reviewed the matter, concurs in the recommendation of the other committees;

NOW, THEREFORE, BE IT RESOLVED the Chief Executive Officer be and hereby is authorized to enter into a one-year contract from February 1, 2022 through January 31, 2023, with Polydyne Inc. as the primary supplier of emulsion polymer at a price of \$3.39 per pound and a one-year contract with Solenis LLC as the alternate supplier at a price of \$3.80 per pound; and

BE IT FURTHER RESOLVED the Chief Executive Officer be and hereby is authorized to enter into additional contract periods for the aforementioned contract, not exceeding a total of five years, with potentially new unit prices, if he deems such extensions to be in the best interest of Metro.

The motion carried unanimously.

9.c Consideration of Suncor Environmental Issues (PAR 1182) – Extend Services Agreement

Director Baertlein moved and Director Younger seconded the motion to adopt the following resolution:

WHEREAS it is in the best interest of Metro Water Recovery, hereinafter referred to as “Metro,” to enter into an Amendment to the Agreement for Professional Services with ARCADIS U.S., Inc. (ARCADIS) to address petroleum contamination on the Robert W. Hite Treatment Facility (RWHTF); and

WHEREAS, Suncor Energy (USA), Inc. (Suncor) owns and operates a petroleum refinery adjacent to the RWHTF; and

WHEREAS, in November 2010, petroleum contamination was first discovered in the groundwater under the RWHTF which, after further investigation, Metro discovered the petroleum groundwater plume had spread under the eastern portion of the RWHTF; and

WHEREAS, in December 2011, Metro entered into a Professional Services Agreement with ARCADIS to provide emergency environmental consulting services related to the petroleum groundwater contamination under the RWHTF; and

WHEREAS, in February 2012, Metro’s Board of Directors ratified the selection of ARCADIS and authorized the Chief Executive Officer to enter into a five-year

Professional Services Agreement with ARCADIS and to issue Task Orders for ARCADIS to perform specifically identified environmental consulting services under the Professional Services Agreement, which Metro's Board extended for an additional five-year period in 2016; and

WHEREAS, it is necessary to enter into an Amendment to the Professional Services Agreement with ARCADIS to increase the not-to-exceed limit costs to continue to provide environmental consulting services related to Suncor refinery's groundwater contamination on Metro property and to waive the term limitation requirements for consulting services and extend the term of the Agreement for five years to December 31, 2026; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend authorizing the Chief Executive Officer to enter into an Amendment to the Professional Services Agreement with ARCADIS to increase the not-to-exceed limit costs by \$60,000 related to Suncor refinery's groundwater contamination on Metro property and to waive the term limitation requirements for consulting services and extend the term for five years to December 31, 2026; and

WHEREAS, the Executive Committee, after having reviewed the matter, concurs in the recommendation of the other committees;

NOW, THEREFORE, BE IT RESOLVED the Chief Executive Officer be and hereby is authorized to enter into an Amendment to the Professional Services Agreement with ARCADIS to increase the not-to-exceed limit costs by \$60,000 related to Suncor Energy (USA) Inc. refinery's groundwater contamination on Metro property; and

BE IT FURTHER RESOLVED the Chief Executive Officer be and hereby is authorized to waive the term limitation requirements for consulting services and extend the term for five years to December 31, 2026; and

BE IT FURTHER RESOLVED the sum of \$60,000 be and hereby is appropriated from the General Fund to cover the cost of services through December 2022.

The motion carried unanimously.

Roll Call Agenda

9.d Consideration of Updates to Rules and Regulations

Director LeGare moved and Director Ray seconded the motion to adopt the following resolution:

WHEREAS, it is necessary for Metro Water Recovery, hereinafter referred to as "Metro," to adopt amendments to Section 6 of the *Metro Water Recovery Rules and Regulations Governing Operation, Use, and Services of the System (Rules and Regulations or Rules)*; and

WHEREAS, the *Rules and Regulations*, initially issued in March 1971, govern the operation, use, and services of Metro's system; and

WHEREAS, any amendments or revisions to the *Rules and Regulations* must be approved by the Board of Directors, and revisions to certain Sections within the *Rules* must be approved by the U.S. Environmental Protection Agency (EPA) to meet the requirements of Metro's EPA-approved Industrial Pretreatment Program (IPP), and

WHEREAS, the Colorado Discharge Permit System (CDPS) wastewater discharge permits issued to Metro by the Colorado Department of Public Health and Environment (CDPHE) for both the Robert W. Hite Treatment Facility and Northern Treatment Plant require a technical evaluation of the local limits be completed and submitted to the EPA by July 1, 2020 to meet CDPS permit and EPA pretreatment program implementation requirements; and

WHEREAS, Metro staff completed the evaluation, and the revisions of Section 6.18.1 Metro's Limitations (local limits) represent changes necessary based on this work; and

WHEREAS, other changes to the *Rules and Regulations* are intended to clarify and refine existing language to benefit the Metro's implementation of the IPP; and

WHEREAS, Metro staff recommends amending the *Rules and Regulations* to include adding provisions to address the recently promulgated Technologically Enhanced Naturally Occurring Radioactive Material (TENORM) regulations; clarifying existing language, and better aligning language with current Metro implementation practices including full implementation of the pretreatment program throughout the service area; and revising existing language to address comments received from the EPA Region 8 Pretreatment Coordinator; and

WHEREAS, the Operations and Finance committees, having reviewed the matter, concur with the recommendation of Metro staff; and

WHEREAS, the Executive Committee, after having reviewed the matter, concurs in the recommendation of the other committees;

NOW, THEREFORE, BE IT RESOLVED the amendments to Section 6 of the *Metro Water Recovery's Rules and Regulations Governing Operation, Use, and Services of the System (Rules and Regulations)* attached hereto be and hereby are adopted and incorporated into the *Rules and Regulations* of Metro; and

BE IT FURTHER RESOLVED the effective date for Section 6 of Metro's *Rules and Regulations* be and hereby is conditioned by the U.S. Environmental Protection Agency's (EPA) approval.