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.

<table>
<thead>
<tr>
<th>Appointed Director</th>
<th>Member Municipality</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marv Falconburg</td>
<td>City of Brighton</td>
</tr>
</tbody>
</table>

2. **ROLL CALL**

Secretary Niyork called the roll.

**Officers Present:**
- Scott Twombly, Thornton
- Andrew Johnston, Denver
- Sarah Niyork, South Adams
- Jo Ann Giddings, Aurora

**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 Kocijan, 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 Chief Executive Officer (CEO)
Emily Jackson General Counsel
Liam Cavanaugh Deputy CEO/Chief Operating Officer
Dawn Ambrosio Director of Strategy and Communication
Colleen Dempsey Director of Human Resources
Molly Kostecki Chief Financial Officer
Andy Nelson Director of Engineering
Jennifer Robinett Director of Environmental Services
Orren West Director of Maintenance
Ridge Dorsey* Senior Pretreatment and Sampling Manager
Maritza Franco Operations Supervisor
Amy Franks Laboratory Support Specialist
Jack Hennes Communication Specialist
Yvonne Kohlmeier Senior Administrative Assistant
Katie Koplitz Senior Regulatory Affairs Manager
Viktoria Kosinska Plant Operator – Lead
Patricia Lopez Employment Manager
Lydia Nkem Executive Assistant
Brittany Peshek Administrative Analyst
Adrian Quintana Facilities Maintenance Supervisor
Ray Sandoval IT Service Delivery Manager
Rob White 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:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$328,499.63</td>
</tr>
<tr>
<td>Capital Project Account</td>
<td>$125,115.38</td>
</tr>
<tr>
<td>Total Unexpended Appropriations</td>
<td>$453,615.01</td>
</tr>
</tbody>
</table>

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
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.