

Minutes
CHISHOLM CREEK UTILITY AUTHORITY
May 12th, 2023

Park City Administration Building, Training Room, 1941 E 61st St N, at 4:30 PM

1. Call to Order
 - a. Brandi Baily called the meeting to order at 4:30 PM.

2. Roll Call
 - a. Brandi Baily called the roll. Members present, Justin Smith, Greg Davied, Jim Benage, Brandi Baily, Ray Mann, and John Lehnerr. Others present, Anthony Kientz, Sean Fox, John Annen, and Tyler Denn.

3. Adopt Agenda
 - a. Jim Benage motions to adopt the agenda, John Lehnerr seconds the motion. Motion passes 6-0

4. Attorney Report
 - a. None.

5. Unfinished Business
 - a. Take necessary action to address the May 31st consent order deadline.
 - b. Jim Benage requested the following be entered into the record: For about this past month, Ty Lasher and I had planned a trip on Monday, May 8th to Topeka to visit with the Governor, Lt. Governor, and several Department heads. One Department head was KDHE Secretary Stanek.
Last Wednesday, May 3rd, Park City Mayor Lehnerr and City Administrator, Sean Fox, contacted myself and Ty Lasher requesting we draft a letter for presentation to the cities and this board for submittal to KDHE. That letter is what we are considering today.

Both city councils have seen this letter in an earlier form. The current form only changes from whom the letter is coming, removing the cities and only coming from the CCUA.

Since this letter was being drafted coincidental to our Topeka meetings, Mr. Lasher and I took the opportunity to discuss this matter in some depth with Mr. Tom Stiles, KDHE Director Bureau of Water. Just so we know the landscape, this letter will go to Secretary Stanek and she will make the decision as to how KDHE will respond to this letter. However, her background is in health, not water, so she is going to rely on the advice of Tom Stiles and his staff.

Tom Stiles talked a bit about what his limits are on what he can do but was empathic that, if needed, he would issue an administrative order and fines. But he has no desire to do such. He understands the change in circumstances from the date the Consent Order was issued. As such, he wants a new, updated plan. He is not concerned whether that plan is an expansion or maintaining the current capacity. He has two concerns.

- 1) That the effluent of the plant meets the limits of the permit.
- 2) That we determine a more permanent capacity; whether that be the current capacity or an expanded capacity so that a new permit may be issued since the current permit has expired. Of course, that can be done now or sometime in the future when we have determined our cities' respective future needs.

Mr. Stiles did impress upon us that there are many things that can be done to a facility to help it stay within its permit limits. He is really looking for us to advise him what we can and will do to help in that direction. The Load Management and Operation Improvements section of this letter are designed to address that desire from Mr. Stiles. Other than pre-treatment, the wording of that section does not commit us to any specific improvements but commits that we will consider such improvements.

Discussion and consideration of specific improvements are out of the scope of this special meeting. However, it is clear that it would behoove the CCUA to seriously consider additional operational facility improvements - this year - to aid Tony in keeping the effluent within the current limits. We should do this while we look to future needs of the cities for more permanent permitting.

Lastly, Mr. Stiles was emphatic that we re-commit to the 9/30/2025 and 9/30/2026 dates. Reading between the lines, I believe that he will consider changing those dates once we have more solid information for him, like a construction contract or a statement that no expansion will do.

Please feel free to contact Mr. Stiles, should you need to confirm any statements I make here. This is my understanding of what Mr. Stiles said during our meeting.

As I read the city council of Bel Aire, we are willing to move forward with an expansion of the Wastewater Treatment facility once we have a cost-of-service agreement in place for both water and waste water treatment. Please keep in mind, depending on the study PEC is doing for Bel Aire on our Water and Wastewater needs and whether Integra gets the CHIPS funding it needs to move forward with its plans, the demand for water and wastewater from Bel Aire may outstrip any capacity this facility can offer. Of course, we would like CCUA to be part of the solution for such future needs. But that has to be on fair and equitable grounds. Getting such fair and equitable cost-of-service agreement in place sooner than later will go a long way in helping us navigate how Bel Aire will satisfy such future demand.

- c. Justin Smith motions to have the CCUA sign the letter as presented. Jim Benage seconds the motion.

Brandi Baily requested to have the following entered in the record: I reviewed the letter that Bel Aire has drafted to be sent to KDHE regarding the upcoming deadline for the Consent Order and the future deadlines for the completion of the design and construction and improvement to the wastewater treatment facility. I strongly oppose any attempt to push the KDHE deadline out any further. On that basis, I will not be voting for this letter knowing that if KDHE doesn't approve this then we are not moving forward with what is already out there, so we are back to where we started. I am asking to remove my signature line from this letter because I don't agree with it.

Motion fails 3-3, with Jim Benage, Justin Smith, and Greg Davied voting in favor, and Brandi Baily, John Lehnerr, and Ray Mann voting against.

- d. John Lehnerr motions for a 5 min recess, Ray Mann seconds the motion. Motion passes 4-2, with Brandi Baily, Ray Mann, John

- Leinherr, and Jim Benage voting in favor, and Justin Smith and Greg Davied voting against. Meeting will resume at 5:02 PM
- e. Greg Davied motions to have the CCUA attorney sign the letter as amended by the CCUA attorney. Jim Benage seconds the motion. Motion fails 3-3, with Jim Benage, Justin Smith, and Greg Davied voting in favor, and Brandi Baily, John Leinherr, and Rey Mann voting against.
 - f. John Leinherr motions to submit this amended letter with the understanding that CCUA will proceed in whatever manner KDHE directs us after this request. Brandi Baily seconds the motion. Motion fails 3-3, with Brandi Baily, John Leinherr, and Ray Mann voting in favor, and Jim Benage, Justin Smith, and Greg Davied voting against.
 - g. John Leinherr motions to adjourn the meeting, Jim Benage seconds the motion. Motion fails 4-2, with Jim Benage and John Leinherr voting in favor, and Brandi Baily, Justin Smith, Greg Davied, and Ray Mann voting against.
 - h. Justin Smith makes a motion for a 10-minute recess, Ray Mann seconds the motion. Motion passes 6-0. Meeting will resume at 5:53 PM.
 - i. Justin Smith motions to accept the letter with the CCUA attorneys' amendments, there are no substantial changes. Jim Benage seconds the motion. Justin Smith withdraws his motion.
 - j. Justin Smith motions for a 5 min recess, Jim Benage seconds the motion. Motion passes 6-0. Meeting will resume at 6:49 PM.
 - k. Jim Benage motions to approve the letter as amended by the CCUA lawyer, including a signature line for the Board Chairwoman. Greg Davied seconds the motion. Motion passes 6-0.
 - l. Ray Mann motions to adjourn the meeting. Justin Smith seconds the motion. Motion passes 6-0. The meeting is adjourned at 6:59 PM.

Attached below is a copy of the letter approved at this Special Meeting.
Minutes by Anthony Kientz

X

Brandi Baily
Chairwoman



May 15, 2023

Janet Stanek
Kansas Department of Health & Environment
Curtis State Office Building
1000 SW Jackson, Suite 560
Topeka, KS 66612-1368

Re: KDHE Case # 22-E-035-BOW

Dear Secretary Stanek,

The Chisholm Creek Utility Authority Board respectfully requests an extension of the time to submit a proposed expansion plan in accordance with Consent Order #22-E-035-BOW to allow the CCUA Board to determine the best methods of addressing your concerns and subsequent wastewater treatment plant upgrades/expansion. CCUA is committed to providing the highest level of service possible to its member city customers. CCUA is also committed to meeting regulatory requirements and providing a safe working environment for CCUA staff. The following is the summary of our current plan to meet these commitments and definition of potential capacity expansion drivers and scenarios. There are numerous near-term considerations that will impact the defined WW requirements of both communities. Careful evaluation of these considerations will be necessary to ensure that the most financially prudent decisions are made regarding significant capital investments.

Load Management and Operational Improvements:

1. CCUA will establish a load management program focused on ensuring that waste streams received from both communities fall within the established design parameters. The exclusion or pretreatment of high strength waste will reduce loading and improve treatment performance. This program and other projects such as I & I reduction will be included within the load management strategies established by CCUA and its member cities.
2. CCUA will continue to support existing reuse opportunities and promote the identification and implementation of other reuse opportunities to reduce discharges made under the current or future permits.
3. CCUA will initiate facility rehabilitation and consider improvements focused on the commitments stated above. Considered improvements will be compatible with contemplated future improvement/expansion scenarios. The primary categories of improvements should be:

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- a. Condition driven rehabilitation
- b. Safety related improvements
- c. Process performance improvements including redundancy and operational control enhancements.

Contemplated initial improvements may include the following:

- Add new SBR and support equipment to provide improved maintenance, operability, and redundancy at current capacity.
- Chemical storage and feed facilities improvements with the primary focus safety.
- Replace UV system to improve performance and reduce safety related maintenance concerns. The new UV system will be constructed to facilitate expansion to meet future projected flow requirements.
- Improvements to wastewater treatment facility flow measurement with a focus on process performance monitoring and improving the ability to make operational adjustments.

Plant Expansion Drivers and Alternatives:

Defining expansion requirements is driven by several factors including new development opportunities in both communities as well as population growth. Construction and operation of the Integra Facility in Bel Aire as well as significant potential development within the City of Park City would have a major impact on both water and wastewater utility requirements by adding significantly to water demand and wastewater loading. Characterization and definition of the increased wastewater loading due to the potential development activities is also another aspect that must be considered. The development in each community could produce a significantly different waste strength.

Each member community will develop a wastewater master plan that will project future wastewater treatment requirements and their intended use of the CCUA wastewater treatment facility. Final projections for increased wastewater loads and flows will guide determinations regarding the appropriate expansion scenarios, including the potential for no required expansion of the existing CCUA facility. It is also acknowledged that the current CCUA site has limits on capacity expansion. Those limits will be incorporated into the facility planning process. A few potential scenarios are listed below and are complimentary to the rehabilitation and improvements described above. General alternatives for each community include:

- Utilization of current capacity associated with existing CCUA facility.
- Utilization of capacity resulting from CCUA facility expansion.
- Agreements with neighboring communities to utilize their existing treatment facilities.
- Construction of new wastewater treatment capacity at alternate locations.

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- a. No Expansion: Treatment is limited to current 2.23 MGD capacity. Bel Aire develops separate wastewater treatment alternatives including potential new wastewater treatment facilities and or diversions to Wichita wastewater treatment facilities allowing operation within the existing flow and load limitations of the current facility and permit. If Bel Aire utilizes other facilities to meet

their wastewater treatment requirements, Park City could acquire and utilize all or a portion of Bel Aire capacity within the existing CCUA wastewater treatment facility.

- b. Expansion to 3.23 MGD: The existing facility is expanded to the currently proposed capacity of 3.23 MGD to support current Bel Aire and Park City needs including Park City's current need for additional capacity.
- c. Expansion to max available capacity: The existing facility is expanded to the maximum capacity within limits of the existing site. This is estimated to be approximately 4 MGD. The expanded capacity would support the increased loading from both Bel Aire and Park City. Capacity could be shared in proportion as described above or as agreed to by the communities.

We expect that any future expansion will be aligned with an adequate period for both communities to evaluate and provide a summary of their projected needs as they relate to CCUA wastewater treatment infrastructure capacity. For example, Bel Aire is awaiting a firm commitment from Integra, who, in turn, is awaiting confirmation of grant CHIPS funding necessary to move forward with its proposed project in Bel Aire. That project could significantly impact demand for both water and wastewater treatment. The estimate for confirmation of funding is somewhere between 3 and 6 months. Bel Aire can have a final determination of its future needs for water and wastewater within 45 days of formal announcement of the CHIPS funding. We request that KDHE extend CCUA's submission of a proposed plant extension to 45 days after that determination. This request for an extension is made in good faith and not for the purpose of delay.

We are happy to answer any further questions or concerns and appreciate your willingness to allow all parties the opportunity to adequately address the needs of our member communities. We hope the foregoing is acceptable to KDHE. However, if not, we invite you or another representative of KDHE to attend our regular meeting at 4:30 P.M on May 25, 2023, at Park City City Hall.

We look forward to hearing from you.

Sincerely,

/s/ Brandi Baily
Brandi Baily
CCUA Chair

N. Russell Hazlewood
CCUA Attorney

Cc: Andrew Bowman, via email (Andrew.bowman@ks.gov)



