

2010 Program Plan

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and the
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COUNCIL OVERVIEW

Mission Statement

The Colorado Wastewater Utility Council's mission is to professionally and responsibly promote environmental protection by supporting legislation and regulations that achieve well-defined environmental benefits while maintaining local flexibility.

Membership

In 2009, 45 agencies were members of the Colorado Wastewater Utility Council (Council). A representative of a municipal or quasi-municipal agency in Colorado engaged in the operation of any collection, treatment or disposal of wastewater may be a member of the Council. Membership shall be determined by payment of annual dues and designation of a representative and an alternate.

Members as of December 2009 are included in Appendix I.

Organization

The Council is an independent, nonprofit corporation, and is governed by its Bylaws and Colorado law. In 2002, the Council received 501(c)3 nonprofit status from the Internal Revenue Service. Advance ruling period ended on September 30, 2006. The Council submitted official forms to show that it still meets the 501(c)3 requirements and is now a permanent 501(c)3 organization.

Officers

The officers of the Council consist of a Chair, Vice Chair, Secretary, Treasurer and one (1) to two (2) directors, each of whom are elected from the membership of the Council. Elections are held annually in September. Officers are included in Appendix II.

Meetings

The Council meets on the second Wednesday of each month, with the exception of its September Annual Meeting, which is held in conjunction with the Rocky Mountain AWWA/WEA Regional Conference. Also the Council holds one meeting and a tour at a facility that has been expanded or modified.

Subcommittees

The Chair is empowered to appoint subcommittees and ad hoc subcommittees as may be required to conduct the business of the Council. Appendix III includes the various subcommittees and its members.

2010 PROGRAM PLAN

ELEMENTS OF 2010 PROGRAM PLAN

Key Environmental Issues for the Council

- 1)** Antidegradation
- 2)** Watershed Assessments
 - a. 303(d) List (Criteria and the List)
 - b. Total Maximum Daily Loads (TMDLs)
 - c. Permitting
- 3)** Nutrient Criteria
- 4)** Redefine Aquatic Life Classification (Expected Conditions)
- 5)** Metal Standards - All
- 6)** Temperature Criteria
- 7)** Basin Hearings / Other Hearings
- 8)** Site Application - Guidance Document
- 9)** Contaminants of Emerging Concern
- 10)** E. Coli
- 11)** Regulatory Schedule
- 12)** Outreach/Coordination
 - a. Increase Outreach to Members
 - b. Publications
 - c. Mentoring Project
- 13)** WET
- 14)** Economic Reasonableness
- 15)** Water Quality Monitoring
- 16)** Selenium

Activities to be Monitored by the Council

- 1) EPA Activities and Policies
- 2) Colorado Water Quality Legislation
- 3) Water Quality Control Commission Hearings
- 4) Water Quality Control Division Activities and Policies
- 5) Air Pollution Control Division Policies Concerning WWTP Permits
- 6) Colorado Water Utility Council
- 7) Colorado Stormwater Council

New Initiatives

- 1) Small Community Education
 - a. Seminar – Permitting for Small Communities and a number of joint seminars with Colorado Rural Water Association.
- 2) Developed the Colorado Water and Wastewater Mentoring Program with the Colorado Water Utility Council and Colorado Rural Water Association in cooperation with the Colorado Water Quality Control Division, and the USEPA Region VIII. Continue mentoring those that request help.

DETAILS OF PROGRAM PLAN

Key Environmental Issues for the Council

1) Antidegradation

Issues:

- At the 2005 Basic Standards hearing, the Water Quality Control Commission “decoupled” Cold-Water Class 2 Aquatic Life designation from automatic use protection.
- Warm Water Class 2 segments are still presumptively use-protected unless data indicate otherwise.
- Segments that have been use-protected in the past may now be subject to antidegradation review and antidegradation-based permit limits.
- Effluent-dependent and effluent-dominated segments may be subject to antidegradation review if not designated as use-protected.
- The WQCD initiated a meeting to discuss antidegradation issues to streamline the antidegradation review process, which has become cumbersome and complex. Additional dialog has occurred during the Standards Framework Workgroup meetings.
- The WQCD proceeds on the basis that Use Protection is the lowest form of water quality protection and that assimilative capacity is to be protected.

Position:

- The Council supports the concept that cumulative water quality conditions can be considered in determining whether a use-protected designation is appropriate.
- The Council supports the concept that non-chemical water quality conditions should be taken into account in site-specific situations for determining whether a use-protected designation is appropriate.
- The Council believes the application of water quality standards in POTW permits (under the Use Protection designation) results in a high level of protection of water quality in the State.
- The Council supports the concept that regulatory/policy requirements be consistent between water quality designations.
- The Council supports the alternatives analysis concept and appropriate decisions based on those analyses.
- The Council supports the concept of protecting existing water quality in the State.

Council Actions

- The Council provided a letter to the CWQCC with comments on the antidegradation program as it is implemented in the State from the perspective of the regulated community.

Future Council Actions:

- As needed, the Council will support use-protected designations in subsequent basin hearings.
- The Council will provide comments to the Division as appropriate.
- The Council will include antidegradation in the annual seminar sponsored by the Council.

2) Watershed Assessments

a. 303(d) List and 303(d) Listing Methodology

Issues:

- The CWQCC will hold an administrative action hearing on May 11, 2009 on the 2010 Section 303(d) Listing Methodology.

Position:

- The Council encourages all members to review the revised 2010 Listing Methodology and participate in the Rulemaking Hearing if needed.

Future Council Actions:

- The Council will continue to monitor the 303(d) Listing process to ensure its members are properly listed.
- Have Division staff brief the Council on the 303(d) Listing criteria and process.

b. Total Maximum Daily Loads (TMDLs):

Issues:

- The Colorado Environmental Coalition and the Biodiversity Legal Foundation filed a lawsuit against EPA for not preparing TMDLs for those waters for which technology-based effluents limits in NPDES permits for point sources alone are insufficient to protect State water quality standards. The Council intervened in support of the EPA in this lawsuit. The lawsuit was settled and ordered closed by the Court on September 20, 1999. The settlement requires Colorado to complete the TMDLs for stream segments listed on the 1998 303(d) list within a 10-year period.

- Since that settlement, the Colorado Water Quality Control Division has been completing TMDLs as required. Some streams have been removed from the list as it has been determined that they do not need TMDLs because improvement has occurred or they were listed improperly to begin with. In 2008, the Commission approved an updated 303(d) list that lists additional stream segments that will require TMDLs.

Position:

- The Council believes that the State of Colorado is making adequate progress in developing TMDLs.
- The Council believes that many TMDLs and the related Waste Load Allocation (WLA) process can be complicated from both scientific and also from an implementation perspective. The Council believes that adequate time should be provided to complete TMDLs and WLAs, so that they are scientifically sound and implementable.

Council Actions:

- The Council continues to monitor the TMDL process.

Future Council Actions:

- Have EPA and Division staff brief the Council on TMDL progress and the priority and schedule for completing TMDLs.
- Work with the Division on implementing efficient procedures for TMDL development which encourage and provide for POTW participation in TMDL/WLA development.
- The Council will encourage and support improved water quality monitoring activities in the State especially where coordination of monitoring efforts among different entities can provide better monitoring and more cost-effective monitoring overall.

c. Permitting:

Issues:

- The WQCD and EPA have considered implementing a watershed-based approach to water quality assessments and decision making in Colorado. This effort may extend to water quality assessments and the issuance of coordinated permits.

Position:

- Several Council members have stated support for the watershed approach in the past and the Council, in general discussions, has indicated support of the concept.
- Watershed based water quality assessments and permits should be based on sound environmental data and performed by scientifically sound and defensible methods.

- Watershed-based decisions and activities should allow for site specific considerations and decisions, where appropriate.
- It is very important for wastewater treatment agencies in Colorado to become involved in any watershed permitting in their area. If resources allow, wastewater entities should seriously consider initiating and leading such efforts, especially efforts to gather monitoring data to be used in the permits process.

Future Council Actions:

- Monitor watershed assessment and permitting activities to keep Council members informed of developments in the State.
- Provide assistance and information, where appropriate, to add value to the watershed program as it develops.
- Present a Council sponsored/prepared seminar on watershed activities, TMDLs, and watershed permitting later in 2010.

3) Nutrient Criteria

Issues:

The U.S. Environmental Protection Agency (EPA) has issued separate “recommended” Nutrient Criteria for rivers and streams, lakes and reservoirs, and wetlands based on geographical ecoregions in the country. For the criteria for some of the Colorado areas, EPA suggests instream levels of total phosphorus under 75 ug/L and levels of total nitrogen between 0.1 mg/L and 2 mg/L. The criteria are based on statistical analysis on a limited data set of the current levels of these constituents in each ecoregion and a policy decision to reduce the highest levels of these constituents in each ecoregion. This approach of setting goal reductions is significantly different than the normal criteria development protocol since impact on uses and scientific studies of impacts were not directly considered.

- The Council is participating in the Division’s Nutrient Criteria Workgroup process. Numeric criteria are expected to be adopted at the next basic Standards rulemaking hearing in 2010
 - The Division is developing numeric criteria for lakes based on chlorophyll concentrations that are chosen to balance potentially competing uses. The Division also will propose nutrient standards for lakes based on relationships to chlorophyll using regression to back calculate.
 - River and stream numeric nutrient standards will be based on aquatic life probably macroinvertebrates for wadable streams and is yet to be determined for larger streams.
- This new approach, recently applied by EPA Region III assumes a direct correlation between nutrients and invertebrate health. This methodology is considered controversial by the regulated community and many entities,

including the Council, have requested that US EPA perform an independent peer review of this new methodology. This Scientific Advisory Board review is expected to publish their final document early 2010.

Position:

- The Council believes that the Division should not move forward with the new methodology until the methodology has been peer reviewed. Any criteria should be based on sound scientific methodology and information.
- The Council believes that criteria should be designed to protect uses and that criteria adopted should be reasonable and achievable. The criteria should also have a direct cause and effect relationship.
- The Council opposes adoption of Nutrient Criteria not based on scientific evidence of levels necessary to protect uses.
- In particular, the Council opposes Colorado and/or EPA adoption of the EPA criteria as outlined in the technical guidance and recommendation documents for the ecoregions in Colorado.

Council Actions:

- The Council's Ammonia/Nutrient Criteria Subcommittee will work to evaluate the current EPA criteria and methodology from both a scientific and policy standpoint. The Subcommittee will be responsible for developing more defined positions for Council consideration.
- The Subcommittee will collaborate with others in the State with similar concerns to develop a coalition of efforts on this matter.
- The Council has hired GEI Consultants, Inc., to attend the Nutrient Criteria Workgroup meetings, perform a literature search to evaluate potential threshold levels of chlorophyll a, phosphorus and nitrogen that are indicative of measured impairment in lakes and reservoirs, compile a lake and reservoir database for Colorado, perform a technical review of the WQCD Methodology and proposals.

4) Redefine Aquatic Life Classifications (expected condition)

Issues:

- There is an ongoing effort to make refinements or changes to aquatic life use classifications of Colorado stream segments. These efforts include developing models, calibration tools and ultimately- biocriteria. What changes to Colorado water quality classifications and standards should Colorado Wastewater Utility Council develop, support or oppose?

Position:

- Colorado Wastewater Utility Council promotes classifications and standards which achieve well-defined environmental benefits while maintaining local flexibility.

- A “modified” classification is appropriate to recognize hydromodified or urban stream changes. An “effluent dominated” classification, designation or modifier is appropriate to recognize stream segments in which the low flow is primarily municipal wastewater effluent except in the case of high quality waters. An “effluent dependent” classification, designation or modifier is appropriate to recognize streams in which base flow is municipal wastewater effluent. In such cases, the “Use Protected” antidegradation designation, in which antidegradation review is not required, is appropriate for municipal wastewater dischargers. Existing safety factors such as low flow, capacity, and total maximum daily loads protect water quality.
- Colorado Wastewater Utility Council supports Colorado Law concerning water rights. The Council recognizes that removing water is the legal exercise of water rights that may create situations where downstream waters become effluent dependent or effluent dominated. In such situations, effluent may provide a net ecological benefit.
- Colorado Wastewater Utility Council supports the development of a Use Attainability Analysis process for aquatic life and site specific standards which is simple and includes habitat analysis. Data quality requirements should be consistent. Additionally, when studies such as resident species or water effects are conducted, the results should be translatable into Statewide or ecosystem-wide standards.
- Colorado Wastewater Utility Council recognizes that many factors affecting aquatic life in rivers and streams are due to factors unrelated to the quality of discharged wastewater. Factors such as habitat, location, and flow regimes should be considered and accounted for in any aquatic life use classification system.
- Seasonal uses are appropriate.
- Differences in classifications should lead to meaningful differences in standards.

Council Actions:

- The Council hired GEI, Consultants, Inc. to represent Council interests in the Aquatic Life Workgroup.

5) Metals Standards - All

Issues:

- In 2007, the Division and EPA Region VIII denied the use of the Biotic Ligand Model (BLM) to develop a water effect ratio (WER) for copper. Use of the BLM for developing a copper WER was being proposed by multiple dischargers along the Front Range in 2007 after being an accepted practice on the South Platte River in 2003. Multiple issues were raised by the Division and EPA about the protectiveness of the BLM WER calculation. The Division and EPA did agree that dischargers could use the “criteria” function in the BLM, which was found to generate a much more restrictive copper criteria than would be generated using a WER applied to the current copper

table value standard. Hydroqual produced a report for the EPA detailing how a “fixed monitoring benchmark” method would use statistically-based analysis of a dataset to identify a single copper concentration that matches the desired exceedance frequency.

Position:

- The Council believes that development of a WER using the BLM should be adopted as an accepted method in the State of Colorado.
- The Council recognizes that some of the current copper table values standards are overly restrictive.
- The Council opposes that the use of the BLM be limited to using only the “criteria” function and not the WER function.

Council Actions:

- Monitor new information and developments brought about by the EPA-Hydroqual FMB approach to determining BLM-based Cu criteria.
- The Council may consider hiring a consultant to evaluate the Hydroqual study and the methods and analyses performed on Colorado data sets.
- EPA Headquarters has been evaluating new mercury water quality criteria and the application of low-level analytical methods to measure mercury in WWTP effluent. EPA has also evaluated what would be safe levels of mercury in fish flesh. EPA released the “Draft Guidance Document for Implementing the January 2001 Methylmercury Water Quality Criterion” but has not yet finalized a way to relate fish flesh concentrations to water column concentrations to ultimately develop a water quality criteria. In Colorado, some dischargers are required to monitor for mercury using low-level analytical techniques and some have recently had low mercury effluent limits implemented in their CDPS permit. Other dischargers still have to comply with the old mercury standard using the old analytical method.

6) Temperature Criteria

Issues:

- At the 2005 Basic Standards hearing, a number of technical issues arose regarding temperature criteria that could not be resolved.
- The Water Quality Control Commission adopted temperature criteria and implementation regulations with a delayed effective date of 12/31/07. On December 10, 2007, the Commission approved Policy Statement 06-1, “Temperature Criteria Methodology.” The Policy is effective through December 31, 2010. In addition, a draft Division policy, “Procedures for Conducting Assessments for Implementation of Temperature Standards in Discharge Permits” has been made available for public comment.

Position:

- The Council is supporting the efforts of the Division and other stakeholders to implement the temperature standards.

Council Actions:

- The Council will monitor the progress of the temperature criteria documents and will submit comments as appropriate.

7) Basin Hearings / Other Hearings

The Commission has approved a modification to their hearing schedule to accommodate the additional hearings for nutrients and aquatic life as follows:

- All basin hearings will be pushed back one year
- Aquatic Life Criteria will be addressed at an Administrative Action Hearing October 2010 to adopt Policy 2010-1.
- Nutrient Criteria will be addressed at a rulemaking hearing on June 13, 2011 instead of at the Basic Standard rulemaking.

The CWQCC will hold Basin Hearings as follows:

- Issues Scoping Hearing for the San Juan/Gunnison River Basins Water Quality Standards, Regulations #34 and #35, October 12, 2010.
- Rulemaking Hearing for the Lower Colorado River Basin Water Quality Standards, Regulation #37, November 8, 2010.

The CWQCC will hold Other Hearings as follows:

- Written Comment Only Rulemaking for the Ritter Draw Tributary Water Quality Standards, Regulation #34, February 8, 2010.
- Rulemaking Hearing for 303(d) list, Regulations # 93 & 94, February 8, 2010.
- Triennial Review Informational Hearing for Pretreatment Regulation #63, February 8, 2010.
- Rulemaking Hearing for Biosolids, Regulation # 64, February 8, 2010.
- Administrative Action Hearing for Nonpoint Source Project FY10 Funding, March 9, 2010.
- Administrative Action Hearing for Section 305(b) Report, March 9, 2010.
- Administrative Action Hearing for Sediment Guidance, Policy 98-1, April 12, 2010.

- Rulemaking Hearing for the Marcy Gulch Water Quality Standards, Regulation #38, April 12, 2010.
- Triennial Review Informational Hearing for Dillon Reservoir Cont., Regulation #71, April 12, 2010.
- Rulemaking Hearing for the Basic Standards, Regulation #31, June 7, 2010.
- Written Comment Only Rule Making for Temp. Modifications, Regulations #32, 33, 36, 37, and 38, July 12, 2010.
- Rule Making Hearing for HCSFO Financial Test and Guidance Regulation, Regulation #66, July 12, 2010.
- Triennial Review Informational Hearing for 401 Certification Regulation, Regulation #82, July 12, 2010
- Triennial Review Information Hearing for Reclaimed Water Control Regulation, Regulation #84, July 12, 2010.
- Triennial Review Informational Hearing for Ground Water Standards, Regulations #41 and 42, August 9, 2010.
- Administrative Action Hearing for FY2011 WPCRF; Domestic WWT Grant, DWRP and Drinking Water Grant IUPs, October 12, 2010.
- Administrative Action Hearing for Nonpoint Source Management Plan, October 12, 2010.
- Public Informational Hearing for comment on water pollution problems in Colorado, October 12, 2010.
- Rule Making Hearing for Temporary Modifications, Regulations #32- & #38, December 13, 2010.
- Administrative Action Hearing for Design Criteria, Policy 96-1, December 13, 2010.
- Administrative Action Hearing for Temperature Criteria, Policy 06-1, December 13, 2010.

Council Actions:

- The Council encourages its members that discharge to these segments to be aware of the basin hearings and participate in Council meetings when the issues are discussed.
- The Council will monitor the CWQCC hearings.

8) Site Application - Guidance Document

Issues:

- The Site Application Regulation was updated through a workgroup process in 2009 and the adopted changes need to be incorporated into the guidance. There is a workgroup process that will continue into 2010 to rewrite the guidance as necessary.

Position:

- The Council supports the Site application and Design Approval Regulation in concept. The site location and design approval usually benefits the smaller POTW's the most while the larger ones typically have the resources necessary to ensure adequate treatment is available for their wastewater. The revised regulation allows for larger facilities to have their professional engineer certify that the plans, specifications, and significant amendments are in compliance with design criteria.
- The revisions to reflect the correct terminology for Preliminary Effluent Limits and Effluent Limits is a major improvement.
- The guidance needs to clarify the use of the "in-kind replacement" carefully to eliminate potential problems.

Council Actions:

- The Council will be actively involved in the Design Criteria Guidance workgroup to insure that the necessary revisions are made.

9) Contaminants of Emerging Concern

Issues:

- The Commission has approved enforceable stream standards for nonylphenol (an endocrine-disrupting chemical that may harm aquatic life), effective July 1, 2010.
- More information is needed to better understand how effective conventional wastewater treatment technologies are in removing contaminants of emerging concern (such as pharmaceuticals and personal care products) to protect human health and the environment.
- EPA and other agencies/researchers are evaluating the potential impacts from a large list of contaminants, typically referred to as Contaminants of Emerging Concern. If a contaminant is not currently regulated, water quality standards may be developed.
- Many of the contaminants of emerging concern are endocrine disrupting compounds which have been shown to adversely affect the natural endocrine system, which regulates the release of hormones.

- Many of the contaminants of emerging concern may not be removed through conventional wastewater treatment processes and may need to be regulated through pretreatment programs, public education or product bans.

Position:

- The Council believes that more research is needed on the possible effects of these compounds and what kinds of treatment/source control are viable as well as cost effective.
- The Council supports following federal, state and local activities which focus on researching contaminants of emerging concern, and if appropriate, providing funding for research.

Council Actions:

- Several Council members (Littleton/Englewood, City of Boulder, City of Colorado Springs, and Metro Wastewater) have investigated levels of nonylphenol in influents and effluents and the effectiveness of source control/best management practices to meet water quality standards. As a result, the Council will recommend a revised effective date (until 2017) for nonylphenol at the June 2010 Basic Standards hearing.
- Follow local efforts including the Consortium for Research and Education on Emerging Contaminants (CREEC) and comprehensive studies being conducted on Boulder Creek. Possibly support CREEC in their research.
- Follow the February 11, 2008 Federal register notice (Vol. 72, No. 239) titled Endocrine Disruptor Screening Program (EDSP); Draft Policies and Procedures for Initial Screening; Request for Comment.
- Consider developing a public education message about contaminants of emerging concern and encouraging members, and other dischargers, to develop pharmaceutical take-back programs.

10) E. Coli

Issues:

- This workgroup is going to be refining the work plan to focus on understanding the TMDL process. Subsequent work will be focusing on Permit implementation challenges. The group will be hearing about a BMP effectiveness study and working to complete the survey of the 19 segments listed for E. coli, with the goal of finding some commonality and opportunities to develop templates for similar segments.
- Meetings over the last two years have included reviewing and discussing Bacteria -Pellston Workshop, Impact Beach Project, EPA Decision chart, EPA Microbial Source Tracking Document, Research subgroup TMDL Components, Pellston Workshop Results, Pellston Overview, Can Stormwater BMPs Remove Bacteria, CO Bacteria TMDL Approach for Workgroup Discussion, ASIWPCA Short-term pathogen actions, Bacteria

Bibliography 2008, Natural Conditions Off-ramps and E. coli Issues Formulation.

Position:

- The Council will continue to track the work of this group through members attending the meetings. If a position arises which requires support from the membership, it will be addressed and reviewed at the time to determine the next steps.

11) Regulatory Schedule

Issues:

- POTW projects are required to complete several regulatory steps before a project can be constructed and put into service. The WQCD has assembled a 'boiler plate' schedule, initially intended to assist with ammonia related projects, that is over four years in duration.
- The assembled schedule gives little time for many projects in the areas of design and construction, as well as not including time for startup activities and other activities that may be needed on a project specific basis.

Position:

- The Council supports adequate and flexible project scheduling to achieve success on water quality related projects.

Council Actions:

None to date.

Future Actions:

- Include a presentation on project scheduling in the annual seminar.
- Provide comments on the schedule to the WQCD staff involved in regulatory steps in project approval (site application, PELs, design review, revolving fund, etc.).

12) Outreach/Coordination

- The Council will continue to seek new members and coordinate with other organizations.
- The Council will explore ways to increase outreach to its members.
- The Council to present the accomplishments / successes in wastewater treatment by POTWs.
- The Council will continue to coordinate with the Colorado Rural Water Association and the Colorado Water Utility Council to implement the Colorado Water and Wastewater Mentoring Program to assist POTWs and private entities. The

Colorado Mentoring Program provides online and person-to-person mentoring to water and wastewater agencies and individuals. The Council has expanded its website to include mentor lists, matching service, internet links, question and answer service.

- The Council will continue to be more proactive in 2010 by participating with:
 - The Colorado Water Quality Forum in meetings before State legislative committees;
 - The Colorado Water Utility Council and Rocky Mountain Water Environment Association to share resources and improve coordination;
 - Legislators' meetings regarding water issues;
 - The Colorado Municipal League;
 - The Special Districts Association;
 - Colorado Rural Water Association;
 - The Annual Legislative Water Day;
 - The Colorado Water Congress Conferences; and
 - The Council will continue to hold a seminar on permitting and other issues in May of each year.
- The Council will continue the publication of its Quarterly Newsletter, "Confluence."
- The Council will have a display and brochures at the CRWA Annual Conference, the RMWEA/RMAWWA Annual Conference, and other regional events to promote Council membership and the Mentoring Program.

13) WET

Issues:

- U.S. EPA staff has stated that the Colorado Department of Public Health and Environment (CDPHE) may be insufficiently implementing WET requirements in its Colorado Discharge Permitting System. The basis for this suggestion appears to be that even though Colorado dischargers are required to assess and report results for the sublethal metrics of the Whole Effluent Toxicity test (the "WET" test), the sublethal metrics are not included in Colorado's discharge permits as enforceable limits. Colorado has required WET testing and reporting in discharge permits for 20 years to implement its water quality standards. Throughout this time the U.S. EPA has approved both Colorado's water quality standards and the discharge permit conditions used by Colorado to implement those standards.
- U.S. EPA appears to base its recommendations to make sublethal metrics into enforceable permit limits on a presumption that the U.S. EPA has a mandate is to

ensure that any potential toxicity is excluded from navigable waters. This proposition is problematic in two respects:

- The variability inherent in WET tests, there appears to be no basis for believing either that failing one or more of the sublethal metrics in a WET test can guarantee that toxicity actually exists in an effluent, or passing all the sublethal metrics ensures that the effluent is free of toxicity.
 - The U.S. EPA has not demonstrated that a failure to pass the sublethal WET test metrics correlates to impairment of receiving waters.
- The U.S. EPA has never promulgated its WET methodology as a rule. The U.S. EPA has never characterized its actions as anything other than the promulgation of test procedures pursuant of Section 304(h) of the Clean Water Act. It is unclear why the U.S. EPA has never promulgated WET requirements as a rule as it has done for a host of other specific pollutants, preferring instead to disseminate policies and is withholding Federal funds from CDPHE to try to force the state to comply with these policies.

Position:

- The Council feels that the current implementation of the Colorado WET policy allows CDPHE to evaluate for potential toxicity in the effluent of each facility with the current monitoring requirements. If toxicity is seen in the effluent, further testing is required to attempt to determine and eliminate the cause. Enforceable limits would not improve the quality of the effluent; it would only increase the potential of violations.
- Variability, false positives, false negatives, ionic strength effects and alternate species are just a few of the issues that need to be addressed before adopting enforceable limits for sublethal WET testing.

Council Actions:

- The Council hired Tim Moore of Risk Sciences to provide a presentation at the CDPHE WET Stakeholder meeting. Tim illustrated some issues and permitting options that are available to the state when implementing sublethal testing.
- The Council will continue to be active in any stakeholder process on WET.
- The Council will look at other state implementation procedures for examples of implementation protocols that have been effective.

14) Economic Reasonableness

Issues:

- The Council initially proposed revisions to Regulation #31 and #21 for consideration at the June 2010 Basic Standards rulemaking hearing. These revisions would have required the Commission to consider economic, social, and environmental impacts associated with new or revised water quality standards. However, based upon subsequent discussions with Water Quality Control Division staff, the Council withdrew its proposal at the November 2009 Issues Formulation hearing. In return for this action, the Division will move forward with a discharger specific variance proposal for the June 2010 hearing and that proposal will include considerations of

economic, social, environmental impacts when determining when facilities may qualify for variances from water quality standards.

Position: Support a discharger-specific variance proposal in 2010.

Council Actions: Develop appropriate comments on discharger specific variances for consideration by the Commission in June 2010. Variances should address issues of concern to Council members, including but not limited to selenium, temperature, and nutrients.

15) Water Quality Monitoring

Issues:

- EPA has identified state water quality monitoring programs as needing improvement.
- Water quality data is key to properly assessing the health of the state's waters and making decisions (e.g., permitting) on water quality issues.
- Efficient use of public resources, at the local and state level, can be achieved by coordinating water quality sampling to reduce duplication, increase coverage and provide full access to data collected.

Position:

The Council supports the activities of the Colorado Water Quality Monitoring Council and the Data Sharing Network to improve the water quality monitoring program in Colorado and to provide full access to data collected.

Council Actions:

- The Council will encourage and support improved water quality monitoring activities in the State especially where coordination of monitoring efforts among different entities can provide better monitoring and more cost-effective monitoring overall.
- The Council will continue supporting the activities of the Colorado Water Quality Monitoring Council.

16) Selenium

Issues:

- Since 1995 selenium has been a growing water quality issue of concern in Colorado.
- After lengthy hearings, Colorado retained the EPA recommended standard of 5 ug/l, but recognized that site-specific standards would be appropriate based upon a multitude of factors mitigating selenium's toxicity to fish.
- High concentrations of selenium is due to underlying shale formations.

- Over 80% of the stream segments that have been listed on the 303(d) list are for selenium.

Position:

- The conceptual understanding of selenium occurrence and transport in Colorado has developed since 1997.
- Studies are needed to determine if the current water quality concentrations are adverse to the fish or whether the fish have acclimated to the extremely high concentrations that far exceed the generally accepted standards that are based upon fish not generally representative of many fish in Colorado's warm and sandy bottomed streams.
- The Council's Colorado Selenium database has been provided to Parametrix to include in a Western U.S. Selenium database. Rio Tinto Mining (formerly Kennicott) in Utah has funded the project for Parametrix to develop this database using a similar format to the Council's. This larger western database will be provided to the Council members for use when completed.

Council Actions:

- The Council hired Parametrix to consolidate and review all of the various efforts related to selenium data to evaluate site specific variability in Selenium and its bioaccumulation potential in Colorado.
 - Compiled an Access database for Colorado data.
 - Evaluated the data for similarities, differences, probable sources, and address the uncertainty of the existing standard.
 - Evaluated the effect of sulfate on the selenium toxicity.
 - Provided a report to CWWUC and the Water Quality Control Commission that summarizes the data compilation process, data collected, analyses conducted, and tools provided for extracting information from the database. The report suggests possible approaches for using the data and deriving site-specific criteria.
 - The Council provided the results of the selenium study and database to its members and to the CWQCC.
- GEI Consultants, Inc. performed a review of EPA's draft Tissue-Based Criteria document. Comments were provided to EPA.
- The Council hired GEI Consultants, Inc., to perform studies in response to a call by Charles Delos, EPA.
 - GEI performed a study to use the CWWUC selenium database to evaluate organ to whole body relationships. Resulting relationships will be compared to equations used by EPA to determine relevance of the EPA equations when applied to Colorado species.
 - GEI used the CWWUC selenium database to analyze fish population data vs. selenium concentration to measure quality of fish population... "field truth" tissue thresholds. Comments were provided to EPA.

Future Council Actions:

- The Council will monitor and provide input during Basin Hearings related to selenium. Several segments in the Arkansas River Basin Rulemaking Hearing adopted ambient based standards for Selenium in 2007.
- The Council will review studies performed by EPA to evaluate the Lemly Bluegill Study that was used as the primary basis of the current draft tissue based selenium criteria document.

Activities to be Monitored by the Council

1) EPA Activities and Policies

The Council monitors EPA activities and policies and will continue to present testimony or letters as appropriate.

2) Colorado Water Quality Legislation

The Council will monitor all appropriate legislation and members provide input individually.

3) Water Quality Control Commission Hearings (WQCC)

The Council monitors all WQCC hearings and will continue to present testimony or letters as appropriate.

4) Water Quality Control Division Activities and Policies

The Council will continue to monitor personnel and program changes and participate on workgroups as appropriate.

5) Air Pollution Control Division Policies Concerning WWTP Permits

The Council will continue to monitor personnel and program changes.

New Initiatives

1) Small Community Education

The Council intends to help facilitate education for small communities throughout Colorado. A seminar focused on permitting, and including other issues, will be presented in four to five areas of the State on a rotating basis (one per year). Issues of immediate impact may be included as they arise. The next seminar will be held in May .

2) Mentoring

The Council, with the Colorado Water Utility Council and the Colorado Rural Water Association, in cooperation with the Colorado Water Quality Control Division and the USEPA Region VIII, developed a web-based mentoring program to assist utilities and individuals in communities with issues related to regulatory compliance, utility management and process control. The website was completed in 2005 and the implementation took place in 2006 for wastewater facilities only. In early 2007, the Program became a Water and Wastewater Mentoring Program. Implementation of the joint effort got underway in January 2008.

2010 SCHEDULE

MONTHLY COUNCIL MEETINGS

Topics/Guest Speakers in addition to standing meeting agenda

- State/EPA Partnership Performance Agreement for 2010-2011 / Steve Tuber, EPA January
- Water and Wastewater Operations Certification Program /Betsy Beaver, Ray Olson and Kevin Kirkpatrick February
- State Environmental Program, Legislative Overview/Martha Rudolph Colorado Water Congress Activities and Issues/Doug Kemper March
- Update on Nutrient and Aquatic Life Issues /and Evaluation of SAB Report Steve CantonApril
- WET Policies / Speaker TBD May
- WQCD Activities/Legislative Update/Steve Gunderson Permits/Dave Akers & Standards/Speaker TBD June
- Basic Standards Hearing Outcomes/Speaker TBD July
- Watershed Activities, TMDLs/ Speaker TBD & Nomination of Officers.....August
- Council Annual Meeting—Business Meeting September
- Water Quality Monitoring / State Representative
- Aquatic Life Issues October
- Panel Discussion on Water Quality Issues/EPA, State and an Environmental Organization Representatives (TBD) - Moderator, TBD November
- Water Quality Control Division Activities & Policies / Steve Gunderson and Dave Akers December

SUBCOMMITTEE MEETINGS

Biosolids	As Needed
Aquatic Life	As Needed
Outreach/Coordination	As Needed
Ammonia/Nutrient Criteria	As Needed
SSO/Stormwater	As Needed
Selenium	As Needed
Mentoring	As Needed
Legal	As Needed
Public Relations	As Needed
Water Reuse	As Needed

APPENDIX I
COUNCIL MEMBERSHIP

Wastewater Utility	Member	Telephone	Email
Arapahoe County	Martin Stegmiller	(303) 790-4830	mstegmiller@arapahoewater.org
Aspen Consolidated Sanitation District	Bruce Matherly	(970) 925-3601	acsdmgr@comcast.net
Black Hawk Central City San. Dist.	Lynn Venters	(303) 582.3422	bhccsd@qwest.net
Boxelder Sanitation District	Fred E. Walker	(970) 498-0604	bsd@verinet.com
Centennial Water & Sanitation Dist.	Al Baker	(303) 791-2185	ABaker@CWSDRMD.ORG
City of Aurora	Richard Leger	(303)326-8362	rleger@auroragov.org
City of Boulder	Bret Linenfelser	(303) 413-7355	LinenfelserB@bouldercolorado.gov
City of Broomfield	Ken Rutt	(303) 438-6339	krutt@ci.broomfield.co.us
City of Fort Collins	Carol Webb	(970) 221-6927	cwebb@fcgov.com
City of Glendale	Robert Taylor	(303) 639-4501	btaylor@glendale.co.us
City of Grand Junction	Eileen List	(970) 256-4149	eileenl@gjcity.org
City of Lafayette	Mick Forrester	(303) 665-6034	mickf@cityoflafayette.com
City of Longmont	Cal Youngberg	(303) 651-8376	Cal.youngberg@ci.longmont.co.us
City of Louisville	Ken Mason	(303) 335-4780	Masonk@ci.louisville.co.us
City of Loveland	Steve Adams	(970) 962-3712	AdamsS@ci.loveland.co.us
City of Northglenn	Karl Heil	(303) 280.7800	kheil@northglenn.org
City of Pueblo	Nancy Keller	(719) 553-2278	nkeller@pueblo.us
City of Rifle	Charles Stevens	(970) 625-6272	cstevens@rifleo.org
City of Westminster	Tim Woodard	(303) 452-8010	twoodard@ci.westminster.co.us
Clifton Sanitation District #2	Brian Woods	(970) 434-7422	bwoodscsd@qwest.net
Colorado Springs Utilities	Ginny Johnson	(719) 668-4375	vjohnson@csu.org
Daniels Sanitation District	Jason Nelson	(303) 233-2182	HVWaterJason@Estreet.com
Elizabeth	Michael Gibb	(303) 646-0916	mgibbs@ci.elizabeth.co.us
Evergreen Metro District	David Lighthart	(303) 674-5694	dlighthart@evergreenmetrodistrict.com
Forest Lakes Metro District - LaPlata	Dale Kortz	(970) 884-2925	flmd@flmd.com
Fremont Sanitation District	Jeff Blue		jeff.blue@fremontsanitation.com
Genesee	John McWilliams	(303)278-9780	jmcwilliams@genesewater.com
Grand County Water & Sanitation	Bruce Hutchins	(970) 726-5583	gcwsl@rkytmtnhi.com
Greeley Water Pollution Control Fac.	Tom Dingeman	(970) 350-9365	dingemat@ci.greeley.co.us
Littleton/Englewood WWTP	Mary Gardner	(303) 762-2605	mgardner@englewoodgov.org
Mesa County	Julie Constan	(970) 255-5045	jconstan@co.mesa.co.us
Metro Wastewater Reclamation Dist.	Amy Woodis	(303) 286-3240	awoodis@mwr.dst.co.us
Monument Sanitation District	Michael Wicklund	(719) 481-4886	wicklund@pcisys.net
Niwot Sanitation District	Gayle Packard-Seeburger	(303) 652-2525	gpackard@televiso.com
Parker Water & Sanitation District	Eric Pierce	(303) 841-4627	epierce@pwsd.org
Platte Canyon Water & San. Dist.	Patrick Fitzgerald	(303) 979-2333	pfitzgerald@plattecanyon.org
Pleasant View Water & San. Dist.	David Councilman	(303) 279-3391	pvws@mho.net
Plum Creek Wastewater Authority	Martha Hahn	(303) 688-1991	MarthaHahn@pcwa1.org
Silverthorne-Dillon JSA	Mike Bittner	(970) 468-6152	mikebittner@silverthorne.org
Snowmass Water & Sanitation	Ruben Salas	(970) 923-2056	rsalas@swsd.org
South Adams County Water & San.	J-M Grebenc	(303) 289-5769	jmgrebenc@sacwsd.org
Steamboat Springs Water	Gilbert Anderson	(970) 879-7700	wwtp@steamboatsprings.net
Town of Milliken	Dan Woodruff	(970) 587-4331	
Upper Blue Sanitation District	Andy Carlberg	(970) 453-2723	acbrecksan@aol.com
Upper Thompson Sanitation Dist.	Jeff Hodge	(970) 586.4544	jeff@utsd.org
Program Support – Ferraro Associates, Inc.	Paul Ferraro	(303) 904-2177	pferraro@ix.netcom.com
Admin. Support – PC Applications	Jeannie Bowser	(505) 796-9100	admin@cwwuc.org

Addresses can be found on the Council's website: www.cwwuc.org

APPENDIX II
COUNCIL OFFICERS

Position	Name	Utility	Telephone
Chair	Vacant		
Vice Chair	Amy Woodis	Metro Wastewater Reclamation Dst.	(303) 286-3240
Secretary	Bret Linenfelser	City of Boulder	(303) 413-7355
Treasurer	Blair Corning	South Adams County WSD	(303) 289-5769
Director	Mary Gardner	Littleton/Englewood WWTP	(303) 762-2605
Director	Nancy Keller	City of Pueblo	(719) 553-2278
Program Support	Paul Ferraro	Ferraro Associates, Inc.	(303) 904-2177
Admin. Support	Jeannie Bowser	PC Applications	(505) 796-9100

APPENDIX III

SUBCOMMITTEES/MEMBERS

Biosolids

Vacant, Chair
Dave Myers
Blair Corning
Amy Woodis
Jeff Hodge

Outreach/Coordination

Bob Anastasov, Chair
Blair Corning
Paul Ferraro

Ammonia/Nutrient Criteria

Amy Woodis, Chair
Mick Forrester
Bret Linenfelser
Blair Corning
Martha Hahn
Bob Anastasov

SSO/Stormwater

Ken Mason, Chair

Mentoring

Vacant, Chair
Dennis Stowe
Paul Ferraro
Rich Hayes, CO Rural Water Assn.
Josh Baile, CWUC
Joe Pershin, CWUC
John DeBoer, CWQCD, Water Program

Aquatic Life

Amy Woodis, Chair
Nancy Keller
Debra Gallegos
Colleen Young
Blair Corning

Legal

Mary Gardner, Chair
Julie Constan
Nancy Keller

Selenium

Nancy Keller, Chair
Amy Woodis
Julie Constan
Barbara Biggs
Jill Piatt Kemper
Ginny Johnson

Public Relations

Blair Corning, Co-Chair
Mary Gardner, Co-Chair

Water Reuse

Jeff Hodge

APPENDIX IV

COLORADO WATER QUALITY CONTROL DIVISION KEY PERSONNEL

As of 01/08/10

Address: 4300 Cherry Creek Drive South
Denver, CO 80246-1530

Telephone: (303) 692-3500

Steve Gunderson, Division Director, (303) 692-3509

Ron Falco, Safe Drinking Water Program Manager, 692-3569

Sharon Williams, Capacity Building Unit, 692-3635

Lori Gerzina, Compliance Assurance Section Manager, 692-3587

Rick Koplitz, Compliance Assurance Monitoring and Enforcement Unit Manager, 692-3664

Scott Klarich, Enforcement Unit Manager, 692-3564

Steve Scherma, Planning and Assistance Unit Manager, 692-3406

Jennifer Miller, Engineering Section Manager, 692-3507

Bret Icenogle, Denver Field Unit 1 Manager, 692-3278

Heather Drissel, Denver Field Unit 2 Manager, 692-3548

Gary Soldano, Southern Regional Field Unit Manager, 719-545-4650

Tom Schaffer, North Western Regional Field Unit Manager, 970-248-7152

Richard Parachini, Watershed Program Manager, 692-3516

Greg Naugle, Restoration & Protection Unit Manager, 692-3582

Sarah Johnson, Standards Unit Manager, 692-3609

Dan Beley, Environmental Data Unit Manager, 692-3606

David Akers, Water Pollution Control Program Manager, 692-3591

Janet Kieler, Permits Section Manager, 692-3599

Gary Beers, Groundwater, Land Application, and Industrial General Permits Unit Manager, 303-692-3524

Andrew Neuhart, Assessment-Based Permitting, 692-3655

Donna Davis, Operations Program Manager, 692-3562

Joanne Ruzzo, Business Services Manager, 692-3508

Sonja Vaught, Fiscal Services Unit Manager, 692-3512

Carolyn Schachterle, Financial Solutions Unit Manager, 692-3551