



*Supporting Colorado's Water Quality and Treatment Needs*

**Meeting Minutes**

Wednesday, August 9, 2017 at 1:00 PM  
2900 S. Platte River Drive at L/E WWTP

**In Attendance:**

Bobby Anastasov	Aurora
Julie Tinetti	Centennial WSD
Gabe Racz	V&R
Richard Leger	Aurora
Andra Ahrens	Pueblo WWTP
Robert Fleck	St. Vrain Sanitation District
Warren Mesloh	NFRWQPA
Jessica DiToro	LRE for BHCCSD
Kyra Brisson	SeaCrest Group
Jason Kruckeberg	SD JSA
Jim Kendrick	Monument
Mike Wicklund	Monument
Jim Dorsch	MWRD
Paul Ferraro	CWWUC
Colleen Young	Greeley
Nicole Rowan	CDPHE
Dan Delaughter	L/E
J-M Grebene	S. Adams Cty

**Phone Attendance:**

Lisa Hollander	Metro
Dale Adams	

**Agenda**

- 1. Discussion on Nutrient Regulation 85, Gabe Racz, V&R**
- 2. Strategic Planning Subgroup Update, Bob Anastasov**
- 3. Nominating Committee Report, Bob Anastasov**
- 4. Annual Report, Paul Ferraro**
- 5. Open Discussion**

- 1. Discussion on Nutrient Regulation 85, Gabe Racz, V&R**

Gabe updated the council on Nutrient Regulations 31, 32, and 85. **See attached.**

## **2. Strategic Planning Subgroup Update, Bob Anastasov**

Bob mentioned that the subgroup is working on the Bylaws and will be ready for members to review them in early September.

## **3. Nominating Committee Report, Bob Anastasov**

Bob presented the following slate of officers for FY 2018:

**Chair: Bob Anastasov (City of Aurora)**

**Vice Chair: Julie Tinetti (Centennial)**

**Secretary: Colleen Young (City of Greeley)**

**Treasurer: Chris Carson (Plum Creek)**

**Director: J-M Grebenc (S. Adams Cty.)**

## **4. Annual Report, Paul Ferraro**

Paul mentioned that he is working on the 2017 Annual Report, Highlights of the Council Activities October 1, 2016, to August 31, 2017. Bob will give the report at the Annual meeting. **The Report is attached.**

## **5. Open Discussion:**

Kyra Brisson, SeaCrest Group, will give a presentation on the “Future of Wet Testing” at the October council meeting.

Meeting adjourned @ 2:00 p.m.

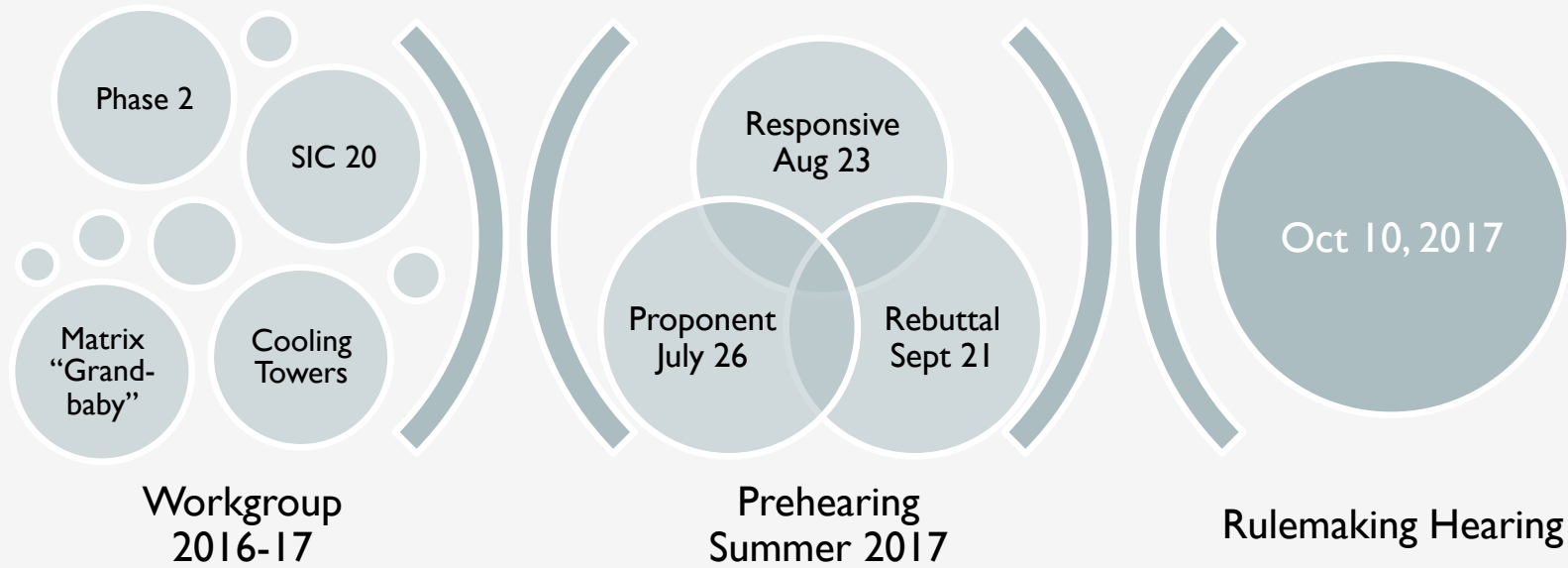
Next meeting: Annual Meeting, Tuesday, September 12, 2017, at 7:30 a.m. at Embassy Suites, Loveland, in the Aspen Daisy room.

# NUTRIENT REGULATION UPDATE

August 9, 2017 Colorado Wastewater Utility Council Meeting

Gabe Racz, Vranesh and Raisch LLP

[gr@vrlaw.com](mailto:gr@vrlaw.com)



## REG 31.17 & 85 REVIEW PROCESS

WQCD  
PROPOSAL  
SUMMARY

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Regulation 31.17 Interim Values

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Water Quality Standards Roadmap including Nutrients,  
Ammonia, Selenium

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Regulation 85 extension through 2027

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Voluntary Incentive Program

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PELs for facilities with exceptions or delayed  
implementation

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Revised SIC 20 Limits

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Cooling Tower Exception

## REG. 31.17 INTERIM VALUES PHASE 2

### Interim Use upstream of:

- Existing DWWTW
- Cooling towers
- Industrials with Reg. 85 limits



### After December 31, 2022

- Chlorophyll-*a*: consider for all segments
- Lakes and Reservoirs TP and TN: consider for DUWS and lakes with “natural swimming areas”



### After December 31, 2027

- TP and TN: consider for all segments

# 10-YEAR WATER QUALITY ROADMAP

- Significant Water Quality Standards review process change
- Reg. 31 RMH (2021 and 2026) for:
  - Housekeeping
  - Non-controversial changes
- Hearing (or Hearings?) in 2027:
  - Consider Nutrients, Ammonia, and Selenium Together
  - Consider Regulation 31 and Basin Regulations Simultaneously
  - Consider TVS, Site-Specific Standards, and DSVs Simultaneously
- Stakeholder Process
  - Quarterly workgroup meetings for 10 years
  - Focused groups/technical advisory committees to spawn as needed

# OUTLINE OF ROADMAP

## Outreach

- Workgroup
- Selenium Group (2018-19)
- Small lakes group (2020-21)
- Ammonia focus group (2022)
- Stream nutrient standards group (2023-24)

## 2019-20

- Draft Se criteria

## 2020 Nutrients RMH

- Consider NPS controls
- Consider success of incentive program

## 2021 Reg 31 RMH

- Cadmium
- Arsenic
- Temperature?

## 2022 RMH

- Revise lakes P & N
- Adopt CHl-a
- Adopt P & N for DUWS and swim beach lakes

## 2022-23

- Draft ammonia criteria

## 2025

- Draft stream P and N criteria

## 2027 RMH

- Criteria for Se, Ammonia, stream N & P
- Site-specific standards and DSVs



# REGULATION 85 EXTENSION

- Effective through 2027
- Effluent limits for DWWTW remain the same
- Continue monitoring, add stream TIN
- Nutrient Incentives Program authorization
- Other changes
  - New DWWTW
  - PELs for facilities with delayed implementation or exception
  - Cooling towers, SIC20
- Triennial reviews – next one in 2020

# NUTRIENT INCENTIVES PROGRAM

- Encourage voluntary nutrient reductions before 2027
- Incentive = extended compliance schedules after 2027
- Incentive of up to 10 years (max. 15 year total compliance schedule)
- Opt-in by 12/31/19 with Nutrient Reduction Plan
- Annual Reporting
- Purposes:
  - Reduce nutrients in shorter term
  - Additional time for facilities to implement tertiary treatment
  - Planning certainty for facilities

# CALCULATING INCENTIVE

- Target of EBNR levels
  - 0.7 mg/L TP median
  - 7 mg/L TIN median
- 12 months earned per year at target
- Linear scaling (partial credit granted)
- Max of 7 ½ years per parameter
- Max of 10 years total
- Must reduce both parameters to get compliance schedule for both

## Accumulation of incentive months

Total phosphorus annual median (mg/L)	≥1	≤0.7
Months earned	0	12
Total inorganic nitrogen annual median (mg/L)	≥15	≤7
Months earned	0	12

## “SAFETY CLAUSE” OR “CLAWBACK”

The Division will include an extended permit compliance schedule in the first renewal permit after the Commission adopts numeric nutrient values in Regulation #31 and Regulations #32 through #38 to any permittee who, through participation in the voluntary incentive program, demonstrates success in reducing phosphorus and/or nitrogen nutrient loading below the loadings allowed by Regulation #85, **as long as the implementation of that compliance schedule would not create a threat to human health or an unreasonable threat to the environment.**

# ALTERNATIVE EFFLUENT LIMITATIONS AFTER 2027

- WQCD: for facilities with DSV, scale amount of incentive and cap at 5 years incentive (10 years compliance schedule total)
  - % of incentive scaled based on relationship between Reg. 85 limits, AEL, and WQBEL
  - For N, need to account for facility ratio of TIN to TN
- WWUC
  - No incentive if DSV does not require capital improvements
  - Full incentive otherwise

Example of AEL Incentive Program credit for receiving a DSV for both nitrogen and phosphorus where a facility has earned Incentive Program credit for both nitrogen and phosphorus

AEL Credit factors	Total inorganic nitrogen (mg/L)	Total phosphorus (mg/L)
Regulation 85 <sup>1</sup>	15	1
AEL <sup>1</sup>	3	0.5
WQBEL <sup>1</sup>	1	0.1
Percent of years earned	86%	56%
Incentive Program Credit Earned	10 years	10 years
AEL Credit	8.6 years	8.6 years

<sup>1</sup>Regulation #85 effluent limits for nitrogen are reflected as TIN. AELs and WQBELs are likely to be reflected as TN in the future. When scaling the credit earned a facilities TIN/TN ratio will need to be taken into account.

## NEXT STEPS

01

RPHS 8/23

02

Additional stakeholder discussion in “Matrix/grandbaby” workgroup

03

Rebuttal 9/21

04

Hearing 10/10



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## Agenda

### **Joint Wastewater Utility Council & Water Utility Council Breakfast** RMSAWWA/RMWEA Joint Annual Conference

Tuesday, September 12, 2017  
7:30 a.m. to 8:30 a.m.  
Embassy Suites, Loveland, CO  
Aspen Daisy Room

#### **Welcome and Introductions**

#### **Speakers:**

##### **WUC**

WUC new officers and Board members.....Rhonda Birdnow

##### **WWUC**

WWUC election of officers.....Bob Anastasov

WWUC year in review.....Bob Anastasov



*Supporting Colorado's Water Quality and Treatment Needs*

**Slate of FY-2018 Board of Directors**

- Chair:                    \_\_\_ Bob Anastasov (City of Aurora)
- Vice Chair:            \_\_\_ Julie Tinetti (Centennial)
- Secretary:            \_\_\_ Colleen Young (City of Greeley)
- Treasurer:            \_\_\_ Chris Carson (Plum Creek)
- Director:              \_\_\_ J-M Grebene (S. Adams Cty)



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**2017 ANNUAL REPORT  
HIGHLIGHTS OF COUNCIL ACTIVITIES  
AS OF AUGUST 31, 2017**

**Meetings**

The Council holds its meetings at the Littleton/Englewood Wastewater Treatment Plant, except its September meeting is held at the Rocky Mountain Water Environment Association Conference.



## **Informational Presentations Made At Council Meetings**

### Monthly Meetings – Topics / Speakers

- CWQCD Activities and Partnership, Pat Pfaltzgraff, Director CWQCD
- Temperature Workgroups Update, Gabe Racz, V&R
- Aquatic Life Policy 10-1, Chris Theel, CWQCD
- Regulations 85 – Nutrients Management Control Regulations Update, Nicole Rowan, CWQCD
- Water Quality, Forum Work Groups Update, Nicole Rowan, CWQCD
- Program Plan Update for 2017, Paul Ferraro, CWWUC
- Revised GEI Temperature Proposal, Suzanne Pargee, GEI
- DPHE Issues / Legislation, Dr. Wolk, Director
- Temperature Contract with GEI, Council Members
- Nutrient Management at Robert W. Hite Treatment Facility, Liam Cavanagh, Metro
- Nutrient Screening Module Tool, Clift Bell, Brown & Caldwell
- Strategic Planning Session, Blair Corning, Bob Anastasov, Julie Tinette, Lisa Hollander, and Nancy Keller
- CWQCD Activities and Partnership, Pat Pfaltzgraff, Director CWQCD
- Strategic Planning Meeting Report, Committee
- Update on Regulations 34/35 Rulemaking Hearing, Gabe Racz, V&R
- Regulation 85 Language Incentive Program, Gabe Racz, V&R
- Update on Water Reuse, Colorado Direct Potable Reuse Program, John Rehring, Carollo
- Strategic Planning Subgroup Update, Bob Anastasov
- New Selenium Criteria and Implementation Guidance – What it will mean for your facility? Suzanne Pargee, GEI
- Nomination of 2018 Officers, Committee
- Discussion on Regulation 85, Gabe Racz, V&R

## **Council Projects and Initiatives to Support Interests of Council Members**

### *Projects*

- ✓ CWWUC is funding the Temperature Study being performed by GEI, and has funded the Selenium Study performed by GEI.

### *Building Relationships Program*

- ✓ The Colorado Wastewater Utility Council puts a high priority on building strong relationships between regulatory agencies with emphasis on the Colorado Water Quality Control Division (CWQCD). We do that by inviting them to present at the Council monthly meetings, tour Council members' treatment facilities, job shadowing and conducting joint seminars on wastewater permitting, storm water permitting and other issues.

### *Other Activities:*

- ✓ Provided periodic updates to Council members on legislative activities.
- ✓ Provided updates to members on status of issues of interest discussed at Water Quality Forum meetings.
- ✓ Provided summaries of Water Quality Control Commission rulemaking hearings and issues.
- ✓ Provided coordination with other groups such as the Colorado Water Utility Council, RMWEA, Colorado Rural Water Association, and Colorado Stormwater Council.

**Reports & Brochures Developed**

- ✓ 2017 Annual Report and Strategic Plan.
  - The Council developed and distributed to its members the 19th Annual Report and Strategic Plan.

**Council Actions**

- ✓ The following Council members serve as officers:
  - Bob Anastasov, Chair
  - Julie Tinetti, Vice Chair
  - Chris Carson, Treasurer
  - Nancy Keller, Director
  - Ginny Johnson, Director
  
- ✓ Website: The Council's website is used to post minutes, monthly meeting notices, and other information. Visit the Council's website: [www.cwwuc.org](http://www.cwwuc.org) which was revised and updated recently.

**FY 2017 Financial Summary as of August 31, 2017**

<b>Balance FY – 2015</b>	\$34,386
<b>Income - FY 2016</b>	\$40,138
<b>Special Assessment Dues</b>	\$15,730
<b>Total Income</b>	\$90,254
<b>Expenses - FY 2016</b>	\$46,115
<b>Balance 8/31/2016</b>	\$44,139