



Meeting Minutes

Wednesday, January 11th, 2023

Attendees:

See the table at the end of the minutes.

Amy got the virtual meeting started and Blair welcomed everyone. A copy of the recording can be found [here](#).

Nathan Moore (CDPHE) –Nathan reported that they hired a new permits section manager who will start at the end of the month. He hopes to introduce him next month. Also, EPA issued final definitions for dredge and fill and Waters of the US (WOTUS). He hasn't had a chance to carefully review them but as far as he can tell, it looks like they're abandoning their intention to pursue a second phase durable rule. Gabe agreed with Nathan's assessment.

Eric Mink has taken over management of enforcement section. He's still waiting for EPA to finalize PFAS issues. Nathan was asked about sampling PFAS in biosolids. Nathan responded that they should use the 1633 draft method for analysis. Everyone should have received their PFAS letter by now. He re-iterated that the back log in permitting should be improving in the future. He is looking for stories from entities who have a story about the impacts of the delays in permitting. Please send him an email with a story if anyone has a good one.

Discussion Items

Lake Nutrients Criteria – Gabe reported that the Responsive Prehearing Statement (RPHS) was submitted. There were other entities that submitted statements as well. Rebuttals will be due Feb. 15th. There were a lot of meetings with the Water Quality Control Division (WQCD) and the State Engineers' office. There are no additional meetings scheduled yet. Northern water included an alternative proposal which is less stringent for many lakes and reservoirs. Their proposed standards are approaching being feasible. EPA filed a RPHS also that should require some rebuttal. The rebuttal CWWUC submits should include comments on the process; that the Technical Advisory Committee process needs to be revised so that there can be meaningful input. The rebuttal should also include comments on the implementation. When utilities lack certainty about the path forward to compliance, it harms their ability to plan and to protect the environment affordably. Questions raised about implementation so far in the process have gone unanswered. The general response is that entities can request site specific

Nutrients Voluntary Assessments	
NFRWQPA - #375	\$ 1,000.00
Centennial	\$ 2,000.00
Chatfield	\$ 5,000.00
Plum Creek	\$ 2,000.00
SPCURE	\$ 2,500.00
Metro	\$ 2,000.00
	\$ 14,500.00

standards, but they are very expensive to develop and implement. The status of the process is more adversarial than collaborative. Submitting rebuttals would be worthwhile as would conversations with WQCD and the Water Quality Control Commission (WQCC).

Gabe acknowledged that he has spent far more than was budgeted for his representation of CWWUC. He estimates another \$15,000 to \$30,000 in legal expenses will be required to complete the hearing. There are options to keep the legal costs lower rather than higher including members engaging with the WQCD directly, instead of Gabe.

The members are interested in understanding how much work Jimmy McCutchan has left to complete. Julie contacted him and he promised to send an invoice soon. If members are going to engage with the WQCD, they should start with Nathan. Nathan is likely to listen to our concerns but the focus of discussion should be on the goals of the hearing. It's important that regulators and utilities work together to protect the environment. Utilities can be more successful protecting the environment when they have certainty.

Budget – Amy reported that the organization is facing a financial crisis. While CWWUC had enough money to pay for Jimmy McCutchan's technical work, there wasn't any budget to engage Gabe for the legal services. In addition, the organization's invoicing process has not been codified. Amy didn't know who had been invoiced or when, so there are outstanding membership dues to collect. Amy will begin invoicing organizations with outstanding 2022 membership dues as soon as next week and invoicing for 2023 membership dues in February. Some entities will receive invoices in January and February. She emphasized the importance of paying the invoices as promptly as possible. Any entities for whom the invoicing would cause problems were encouraged to reach out to Amy directly.

Blair noted that there were only 6 entities who contributed to the voluntary assessment for the nutrient hearing effort. Blair is not comfortable with having Gabe continue work that we can't pay for. Wes commented that Plum Creek is very interested because they're directly impacted. He re-emphasized that CWWUC is here to support big and little entities. We need to support those who can't afford to participate in efforts this expensive. It will impact everyone. It's better to stay engaged now to make it easier to comply with whatever is promulgated. Plum Creek is willing to put some more money into the effort.

Roy commented Security is willing to contribute. He agrees with what's been said. Voluntary assessments are hard because he doesn't know what's equitable. Participating in the hearing will benefit them in the future. Dues are set up to fund the coordinator and minimum outside services. Other efforts would be funded by voluntary assessments. If other efforts were to be included in the dues, it would require a significant increase in membership dues.

Jim Heckman with Fountain re-iterated that it's harder to do voluntary assessment than membership dues. As individuals, Gabe's work for the council is a good value to everyone. Membership dues are pretty cheap. Dave Bries concurred. Equitability based on system size would be a good way to request voluntary assessment. Voluntary requests are harder to justify. It's important to show unity among the wastewater utilities at the hearing.

The group discussed sending out membership dues with an additional line item amount for 'Regulatory Support'. It would be understood, but not stated directly, that participation in the Regulatory Support is voluntary and would not impact membership status. The amount of the Regulatory Support line item will be based on the same criteria as the amount of membership dues and spread among members. A cover letter can accompany the membership dues invoices that explains the scope of services covered in the Regulatory Support request. The benefits of participation should also be included.

In the future, we need to have a line item budget for Regulatory Support to guide decision making about participation in future hearings. A multi-year budget can be developed which anticipates upcoming regulatory activity based on the Water Quality Roadmap. Anyone interested in serving on a Budget Committee should reach out to Amy. Gabe commented that the 2027 hearing is going to be much harder than the 2023 hearing.

We moved to send out invoices for membership dues and include a request for Regulatory Support. Roy seconded the motion which passed unanimously. It was noted that we'll need to work within the revenues raised and the issue may need to be revisited in the future.

Chemical Form Evaluation Subcommittee – John reported his group met. Dan DeLaughter and Kathryn Marko helped with drafting comments on making the form clearer. They highlighted three (3) of their top concerns including having a stakeholder process and technical concerns. Communications with permittees are an obstacle. The permitting process generally is also really difficult. They proposed a streamline approach to focus on permits rather than including toxicity information. The WQCD is getting comments from other groups as well. He's hopeful the comments will be considered. Denver is also going to comment. They are strongly recommending that permit renewals include chemical evaluation forms. Gabe added that there have been denials of compliance schedules for chemical in industrial permits. The denials are occurring even for chemicals that have been in use for a long time.

They also discussed how to support CWWUC. He intends to survey people to see who could use their expertise. Anyone with an upcoming permit renewal may want

some help from entities that have already gone through the Chemical Evaluation Form process. Dan has started a lessons learned spreadsheet.

Water Quality Forum Updates – Meghan Wilson – Meghan reported that the next Water Quality Forum meeting will be on Jan 23rd from 12:30 to 3:45. It will be a hybrid meeting, both in person and virtual. Topics on the agenda include:

Legislative update

- Division updates
- Denver Water Variance
- Lead Service Line Inventory Panel
- PFAS Communications
- Capital Projects at Plants
- Work Group updates

Agenda and zoom link will be posted at

<https://colowqforum.com/cleanWater/meetings/>

Drinking Water Council Updates – Cynthia Lane – Cynthia reported that the Drinking Water Council is attending a lead and copper rule meeting at CDPHE scheduled for this time. The topic is how to codify the federal regulation into the state regulations. PFAS biosolids testing is another topic. Sanitary surveys are starting to be scheduled for Drinking Water entities. Cyber security will be included in the sanitary survey, she thinks. She'll share what is included in her survey. She reiterated that the Drinking Water fly will be in March and won't include Wastewater this year. They will have a large delegation this year. PFAS, infrastructure and cyber security will be topics they'll discuss with law makers.

Presentation from the Freshwater Trust on water quality trading?

Jessica reached out to her colleague in Steamboat and began a conversation about what the presentation should include. **Amy** will call Jessica. The members want to hear about Steamboat's experience. Amy will try to get the presentation set up for the March meeting.

Flushable Wipe legislation – Dan reported that there were two (2) parallel efforts for statewide legislation regarding flushable wipe labeling. State Senators Kolker and Roberts were both considering introducing legislation. Senator Roberts is going to talk ethe lead. Eagle River was also working on the issue with one of the senators. Jessica reported that Eagle River has a template letter of support. Julie submitted a few sentences of support via email. The proposed legislation stops short of flushable standards which makes it easier to support. If requested, CWWUC will offer a letter of support for the legislation.

RMWEA government affairs committee representative – **Julie** will be the CWWUC liaison with government affairs committee.

Audit requirement in Bylaws – Amy and Julie are working on it. Adoption of Policy 006 Financial Policy was tabled until next month. The policy will inform what an accountant will review to meet the audit requirement in the By-Laws. **Amy** will finalize the policy to reflect the membership dues invoicing schedule and include the policy in the February meeting packet.

Insurance –Amy is working on the applications and other requirements. One of which is that the organization adopt a Conflict-of-Interest policy. Wes moved to adopt Policy 007 Conflict of Interest. Cynthia seconded the motion which passed unanimously. **Amy** will follow up with the insurance agent. Amy noted that she has a conflict with any business with GEI Consultants as her husband, Don, works there.

Other

Board Action Items –

Approval of invoices for payment – Wes moved, Roy seconded approval for payment of all invoices. The vote was unanimous.

Checks for singature in Jan. 2023			
2340- Amy Conklin	\$ 2,187.50	December 22 coordinating	
2341 - Vranesh and Raisch	\$ 12,541.00	legal services	
2342 - Applewood Bookkeeping	\$ 60.00	Bookkeeping services	
2343 - Colorado Monitoring Framework	\$ 1,670.98	membership dues	

Approval of December 14th 2022 minutes. Wes moved, Julie seconded a motion to approve the minutes. The motion passed unanimously.

Future Topics –

- follow up with Dr. Pepper,
- Ron Falco presentation on safety of our drinking water, he won't be available until after March 2023
- CERCLA exemption for PFAS in municipal biosolids.
- Water quality trading

Barb Biggs reported that she got a call from Nicole Rowan regarding their budget request to the legislature, requesting a meeting. The meeting will be in February. They are requesting a lot of additional staff people. Barb would be interested in talking points about why they might get push back on their budget request.

Azra (Longmont) added that she would like to be included in discussion with WQCD. She worked at the Standards division previously. She would like to add to the implementation of the standards discussions. She is very welcome. If there are others who want to be involved in the discussion, please let Gabe or Amy know. **Gabe** will work on a few talking points.

Next Meeting – Wednesday, January 11th at 1:00 pm

Attendance

Nathan Moore, CDPHE
 Amy Conklin, Coordinator
 Gabe Racz, Vraesh and Raisch
 P Bremser, St. Vrain
 Tony Steck – Northglenn
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