



Meeting Minutes

Wednesday, October 9th, 2024

Attendees: See the table at the end of the minutes.

Julie got the meeting going and a copy of the recording can be found [here](#). Julie welcomed everyone and started the meeting.

David Conner – ASCE Infrastructure Report Card

– David began by explaining the background for the report card and their plan for the presentation. ASCE's goal is to improve the nation's infrastructure which begins by assessing existing conditions through a report card process. There is a national and state report card that are updated every four (4) years. David followed up with the conversation in the text box and included a separate file on instructions that can be found [here](#).

Senator Barbara Kirkmeyer – Julie welcomed Sen. Kirkmeyer and thanked her for her time. The purpose of our meeting is to share with Sen. Kirkmeyer the CWWUC position on the water quality fee regulations, concerns about WQCD processes, and the need for reform to ensure transparency, efficiency, accountability, and communication in permit processes. The backdrop is that fees have been increased as have the staff but the number of permits renewed, both general and individual, has dropped. 74% of individual permits are backlogged. The improvement in services is not being seen even though the fees increase. The number of backlogged permits matters because it makes it harder to plan and build and protect water quality.

In 2022 the Council advocated for a solution that is transparent, accountable and efficient with good communication. The reason for the urgency is that time is running out in the stakeholder process and the concerns have not been addressed. We need to understand why the program is not functioning and that is not happening. The hearing process is going to start and the fundamental understanding of why the program is

The Council's input again via this survey will be highly valuable to this iteration of the report card being prepared.

Survey

link: <https://www.surveymonkey.com/r/ASCE-CWW> - 5-

10mins, **deadline Wed. 10/16.**

As requested by the Council, now also attached in addition to the slides is a PDF of the survey to help utilities answer the online survey (one survey submission per utility). We encourage utilities to reach out to us with any questions – contact info is in the slides and on the survey.

If anyone is interested in becoming more involved with the state or national report card, ASCE welcomes their participation. Please let us know and we will get them involved.

broken hasn't been determined. The WQCD is asking for another 23.5 FTEs but we don't know why the program isn't functioning. They have been unable to hire the people they have already been approved for.

The fees and the personnel increases will likely be staggered over 10-15 years. New fees will be proposed as well as a new budget in November. WWUC will send Sen. Kirkmeyer a Fact Sheet summarizing these concerns. One of the problems is that we don't know what else is happening instead of the permit renewals. The backlog has been building year after year and there have been some years with increases in permit requests.

Members shared examples of concerns. They included:

- Administratively extended permit leading to enforcement of incorrect effluent limitations.
- Needed replacement for a very small plant delayed at an added cost of \$500,000 because of communication failures and arbitrary denial of chemical uses.
- Large utility expansion of \$70 million forced to choose between paying delay damages of \$200,000 per month or proceeding without a current permit or Preliminary Effluent Limitations as the design basis, placing the facility at risk of wasted capital when the permit is finally renewed.

Members discussed Senator Kirkmeyer's questions and suggestions. Arizona is a good model on how to drive down the backlog. Arizona has deadlines for permit issuance which has been very effective. Colorado's air quality permitting process is an example of good accountability and transparency. Permittees can see exactly what is happening with their permits. There is also a permit fee cap with the air quality permitting. It would also be helpful to understand what issues are distracting the staff from permit renewal completion. The communication delays are a huge source of the problems. If communication was clearer, it would solve a lot of the problems.

Third party contractors could provide more efficiency, especially for developing PELs. Some counties have a list of approved consultants for people to use. Maybe the legislature could require a list of approved consultants to be used to do the work of the WQCD. Such a process may run into problems with EPA approvals so it might be helpful to see if any other states have approached permit backlogs using that tool.

Part of the problem is that we don't know the root causes of the delays, lack of communication, and inefficiencies, so it's hard to suggest solutions. Part of the problem is that they aren't applying the Clean Water Act as prescribed by the legislature. If they look at a permit, they open up everything in the permit whether appropriate or not (e.g. chemical evaluations). EPA is astonished by the way WQCD conducts permit reviews.

One way to proceed is to put some ideas and comments into the record for the JBC hearing when the CDPHE comes in to testify. Requiring a financial risk assessment of the CDPHE if they don't meet their goals is another option. Sen. Kirkmeyer suggested it might be worth trying to write a bill. Just coming up with some key points would be helpful as would a list of efforts they should abandon. The 180-day rule could be refined to be a real deadline with prescriptive requirements. The delay in permitting is delaying economic growth. In Arizona, if the state doesn't meet their deadlines, they have to repay the General Fund. She is hopeful that the JBC may author the bill if we can help with putting together a good bill. Senkirkmeyer@gmail.com

Discussion Items

Regulatory Updates –

NWRI Feasibility Funding – Amy discussed how the commitments for funding exceeded the amount requested. The members discussed how to proceed. The members suggested that we wait and see how the money actually comes in. If there is an overage, we consider saving the funds for the stakeholder effort that will follow the panel's work. We will go back to the membership for approval of how any overage funds are distributed.

Julie reported that she has been in contact with NWRI. Jorg Drews is the Chair of the committee. He worked at CO School of Mines as a professor and is now a consultant. Julie put his resume in the chat,

<https://www.cee.ed.tum.de/fileadmin/w00cbe/sww/pdf/CV-JEDrewes-2022-TUM.pdf>.

The next step is a scoping workshop to agree on the outcomes of the panel and how the work product will be used. Suzanne Sharkey with NWRI asked Julie reach out to the regulated community to see who in the regulatory community would want to participate in the scoping workshop. She shared the schedule in it's current state. **Julie** will continue to act as a liaison between the CWWUC and the NWRI panel effort.

Gabe reported that the WQCD held a meeting on the aquatic life assessment methodology, Policy 10-1, technical advisory committee. The council might want to contract GEI to provide technical assistance. The WQCD may be changing reference sites. They are considering dividing ecosystems into east and west. Metro has some staff tracking the issue and they think the work won't impact the metro area. **Jennifer Robinett** will ask **Jim Dorsch** to keep the council updated on the work.

Gabe also reported on the dredge and fill issue. He is watching the issue because he thinks treatment plants will be required to get permits in the near future. Justine reported that the general permit publicly owned treatment works use may expand to include new and difficult impacts such as antidegradation.

Chemical Evaluations – John reported that work continues on the issue. Kathryn Marko is going through a mock permit renewal with Andrew Sayers-Faye. It's proving to

be a worthwhile exercise. They continue talking about the MN approach. Anyone interested in joining the group should reach out to John. The engineering group has been engaged and found a work around to approve their chemicals. There might be an advantage to bringing the engineering group into the work.

Eagle River Temperature Issue – Gabe reported that the council comments were not received. Justine and Eagle representatives will be meeting with WQCD staff this month. There is a town hall information hearing next week that the council may want to participate in. **Amy** will send out potential council comments for the meeting for members approval. Either Vranesh and Raisch or Wes Martin will make the comments.

Water Quality Forum Updates - Meghan reported that there is a permit renewal conversation Dan DeLaughter and Andrew Sayers Faye are leading. Reach out to Dan DeLaughter directly for more information. November 18th is the next water quality Forum meeting. She included the link to the Permit Renewal Process Data & Communications subgroup: <https://colowqforum.com/cleanWater/project/permit-renewal-process-data-communication-needs/>

Drinking Water Forum Updates – Julie reported that the Lead and Copper rule came out yesterday. **Julie** will update the group on that issue later.

CMF Liaison – Dan was unable to attend the meeting but reported that the CMF annual meeting is Wednesday, Oct. 23rd at South Platte Renew, from 11:30 to 3:00, lunch provided. You don't have to be a CMF member to attend. There is a subcommittee on communicating issues amongst the many water quality groups. The Council will take the lead on the nutrients and the NWRI panel, for example.

Update on the BBMF – Ryan Aids reported that the BBMF is up to \$30,000 towards the goal of \$100,000. The Greenway Foundation will be putting the funds in short term CDs to have the money collect interest while fundraising continues.

Board Officer Nominations in September and Elections in October – Julie turned the election process over to Bret, the Secretary. Bret introduced the slate of candidates on the ballot. The ballot was approved by acclamation.

Current		Proposed	
Chair	Julie Tinetti	Chair	Dan DeLaughter
Vice Chair	John Gage	Vice Chair	Wes Martin
Treasurer	Dan DeLaughter	Treasurer	Julie Tinetti
Secretary	Bret Icenogle	Secretary	Bret Icenogle
Director	Wes Martin	Director	Dawn Cowell

Board Action Items – Jim moved, and Wes seconded a motion to approve the invoices as presented. The vote was unanimous to approve payment of invoices presented.

October Checks to sign		
2416 - Amy Conklin	\$ 2,912.50	September coordinating
2417 - Vranesh and Raisch	\$ 2,315.50	Inv. 50067
2418 - NWRI	\$ 20,000.00	pass through for Broomfield and Boulder funding of Feasibility panel
2419 - Applewood Bookkeeping	\$ 108.75	Inv. 836
2420 - Vranesh and Raisch	\$ 532.50	Inv. 50068
2421 - Vranesh and Raisch	\$ 565.00	Inv. 50069

Approval of September 11th, 2024, minutes. Brandon moved and Joshua seconded a motion to approve the minutes. The vote was unanimous to approve the minutes as presented.

2025 Budget – Amy included the still very draft proposed budget for the 2024-25 Fiscal Year in the agenda. She noted that the accounting was squirrely because of the separate pots of money for Temperature issues and NWRI funding. She appreciated the Council’s patience. The budget will be voted on next month. All members are encouraged to reach out to Amy with any questions or revisions.

Open Discussion – No one had any topics.

Next Meeting – Wednesday, October 9th at 1:00 pm

Attendance

Amy Conklin, Coordinator	Joan Card
Gabe Racz	mhaxby
Sen. Barbara Kirkmeyer	Vic
David Conner	jurget
Abby Mitchel	Chris Fernandez
Jonathan Harris	Dan Feller
Erin Bertoli	Charlie Kuhl
Jennifer Robinett	Eric Shea
Andy Weynand	iPhone

Member	Last	First	email	
Peablo	Callaghan	Andrew		x
St. Vrain	Arnold	Alex		x
Mount Crested Butte	Bembenek	Adam		x
SPR	Stucky Acob	Andrea		
	Berlman	Annie		
		Anthony		x
Grand Junction	Firl	Ashley		x

Longmont	Bilgin	Azra	
	Johnson	Ben	
	Green	Bethany	
	Bernard	Brandon	x
	Zachman	Brad	
S. Platte Renew	Corning	Blair	
	Stanfield	Bent	
	Burks	Bryan	
	Icenogle	Bret	x
	Z	Brian	x
	A	Brianne	
Pinyon	Byus	Caroline	x
St. Vrain	Kampman	Chris	x
Boulder	Sigmon	Cole	
	Bieker	C	
	Lane	Cynthia	
South Platte Renew	DeLaughter	Dan	
	Richardson	Daniel	x
Montrose	Bries	David	
	Louch	Dave	
	Kurz	David	
Lafayette	Jackson	David	
	Bonsall	Desirray	
Broomfield	Trejo	Diana	x
Broomfield	Cowell	Dawn	x
Mott Macdonalds	Farias	Elizabeth	
Dominion	Bahn	Evan	
		Heather	
C Springs	Greeno	Hunter	x
	Smith	Gary	x
Louisville	Venette	Greg	
Silverthorne	Kruckeberg	Jason	x
	Shivvers	JD	
Fort Collins	Schlam	Jesse	x
Black Hawk	DiToro	Jessica	x
Fountain	Heckman	Jim	
Monument	Kendrick	Jim	jfkendrick@q.com

Metro Water Recovery	Dorsch	Jim	jdorsch@mwr.dst.co.us	
Gypsum	Hancock	Jim		
Loveland	Creaghe	Joe		
Greeley	Kunovic	Joe		x
	Coyle	Jon		x
Longmont	Gage	John		x
	Moore	Jonathan		
	Watkins	Joshua		x
Westminster	Nims	Josh		
	Tinetti	Julie		x
	Koplitz	Katie		
	Cline	Kelly		
Grand Junction	Carson	Kurt		x
	Swenson	Lauren		x
Eagle	Harris	Madeline		
	Freyre	Manuel		
	Parker	Mark		x
	Christiansen	Mark		x
	Volle	Mark		
	Koch	Mark		
NFRWQPA	Thomas	Mark		x
	Deminski	Mary		
	Paterniti	Mary		
Boulder	Wilson Outcalt	Meghan	wilsonm@boulder.colorado.gov	x
Boulder	Mimna	Melissa		x
	Morgan	Mike		
	Fabbre	Mike		x
	Hoffman	Mike		
	Marcum	Mike		x
Broomfield	Monacelli	Natalie		
Aurora	Harmon	Nick		
C. Springs Security	Zeitlow Heald Calkins	Patti Roy Sam		x x x
Northglenn	Harcus Stanley	Scott Shelley	sstanley@northglenn.org	x
Eagle	Wilson	Stephan		x

Westminster	Wilson	Tara		
Fremont	Ormandy Kraft Eldridge Eaves	Toby Tanner Tyler Wally	tormandy@fsd.co	x
Plum Creek	Martin Zachman	Wes Brad		x