



Meeting Minutes

Wednesday, November 9th, 2022

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 and Nicole Rowan (CDPHE) – Nicole Rowan joined the meeting and shared that the Governor's budget included requests for the Water Quality Control Division (WQCD) for clean and drinking water inspectors to work on the permit backlog. The request also included funding for environmental and Water Quality Control Commission (WQCC) rulemaking. The request is for an additional 31 FTEs in the first fiscal year with an additional 15 FTEs in the next fiscal year. This would help with permit renewals. It will help CDPHE meet EPA requirements and not fall farther behind with drinking water inspections. There will be challenges in training all the additional personnel. There will be a lot more permit writers. CDPHE didn't receive the resources to implement last year's bill HB 13-22. The governor's bill requests those resources. The legislative joint budget committee will be looking at the budget and it will be going through the legislative process.

Nicole shared the budget request. Nicole is happy to help anyone who wants to express support for the budget request.

<https://drive.google.com/drive/folders/1krvHxJ06RNfo3KFOA4XdgF16lqge38FL>
<https://drive.google.com/file/d/1fd72asMRJiUpFe1DUjiGmjAx3H11VE8C/view?usp=sharing>

<https://drive.google.com/file/d/11zRrrWL7HaMLc7mjFzKsPjTM0YLXSMsY/view?usp=sharing>

Nathan reported that the section manager job has been re-announced -

<https://www.governmentjobs.com/careers/colorado/jobs/3790381/clean-water-permits-section-manager-eps-vfaa-02657-11-2022>

He's happy for any help people can provide to recruit good candidates.

There are some challenges for the WQCC hearing schedule as a result of the re-scheduling of the nutrients hearing. They're interested in getting input from stakeholders in some of the upcoming hearings to work on the scheduling. The WQCC intent is to ask people if they have concerns and then make a decision on

the schedule in December. He reported that the WQ Forum is coming up soon. See the item below for Meghan Wilson's update.

Discussion Items

Lake Nutrients Criteria – Update on November Hearing delayed to April; impacts to Jimmy McCutchan work – **Gabe** reported that the Responsive Prehearing Statement is due Nov. 21st. There has been some work having discussions with WQCD. Gabe and Jimmy are meeting with the WQCD staff tomorrow, November 10th. They're going to go over the technical concerns in Jimmy's memo. Jimmy hasn't provided an updated memo but has been working on review of the revised data. He'll be gaging interest in the WQCD for the extensive additional work that needs to be done prior to the rulemaking. They are unlikely to be interested in doing much additional work.

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

Northern Water is also very active in reviewing the work. They have assembled a very strong team of reviewers. It would be great to come up with a narrower list of issues to present to the WQCD.

Gabe doesn't have an updated budget for Jimmy yet. Jimmy is within budget so far. They will come back with information if the charges are going above budget. The independent applicability of Chlorophyll (Chlor a) and Phosphorus (P) is another issue. He thinks it's unlikely the WQCD will be willing to compromise. Another big issue is the dual controls for both N and P. It's unlikely that the WQCD will abandon the dual control concept because EPA is in favor of the concept.

Wastewater treatment costs is another issue. The assumptions of the costs to implement the proposed standards were a big part of the obstacle to providing cost estimates. The assumption of how far downstream would be included in the permit is one key assumption. Reservoirs downstream of Publicly Owned Treatment Works (POTWs) generally don't attain standards. The standards being proposed are likely to be end of pipe limits that will go into permits. He hopes to get some clarity from WQCD staff. He'll talk to WQCD about standards first then implementation. **Gabe** will provide a summary of how the meeting goes.

He also reported on PFAS in biosolids. He anticipates that letters will be going out to dischargers by the end of the year. The WQCD had offered to collaborate about data that is and will be posted. It's important to be thoughtful about communicating with the public about the data.

Reg 22 process – work group meetings are proceeding. Progress is being made on phased implementation. There's some discussion on load based limits, especially for temperature and nutrients. Draft memos from the work group should be coming out soon. Historical infrastructure is also being discussed. Lift stations where the approvals can't be found need a streamlined approach for documenting approval.

Chemical Form Evaluation Subcommittee – John Gage – John reported that the group is focusing on three areas: putting together lessons learned from utilities that have gone through the process; acting as a technical group to assist facilities as they go through the process; and engaging with CDPHE. The group met and discussed obtaining data from people who have been through the process already. Blair added that a few dischargers that have issues with the form have been talking to Nathan about the issue. Nathan is willing to talk about the form. Comments from the CWWUC will be combined with comments from the other dischargers.

People who have been through the process have issues with the form, in that it's vague and the information requirements kept changing. The form could be improved to reduce those challenges. The form is very time-consuming even before the draft permit is released. The subcommittee wants to work with the WQCD about the limits to the chemicals and how do they use the data that's reported in developing limits in the new, draft permits. He is hopeful that collating historical experiences will be useful to CWWUC members. Blair encouraged anyone who is interested to reach out to John. Facilities with permits coming up will be most interested. The subcommittee will be trying to put together a list of upcoming permit renewals.

Water Quality Forum Updates – Meghan Wilson – Meghan reported that she's on the steering committee for the WQ Forum. Nov. 21st is the next meeting with both in person and virtual options.

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

The major thing of interest is the debrief from the retreat. They'll go through the work plan items. JoJo Law, WQCD, is going to go over the rule-making process. TMDL prioritization will also be a topic.

Drinking Water Council Updates – Cynthia Lane – Cynthia reported that there's another threat of a chemical rail strike. The potential date for the strike is Nov. 19th. A lot of associations have been working behind the scenes to emphasize how important the issue is especially to water treaters. The mid-term elections are complicating the effectiveness of those efforts. They're getting inquiries about the CERCLA exemption for PFAS in biosolids. There may be a path forward to exemptions. It might be a topic to get an expert to come in and talk about the issue. **Cynthia** will share information about the rail strike as she gets it.

There is a push from drinking and clean water organizations for a permanent federal program for low income water assistance. Currently the programs have focused on drinking water, but the new effort is proposed to include wastewater as well. Regulatory mandates are in conflict with being able to provide affordable services.

Lead and Copper rules conversations are ongoing. The rule is part of the Safe Drinking Water Act and a key law in the Optimal Corrosion Control Treatment protocol. Treating drinking water with Ortho P is likely to continue to be the optimal treatment for many systems. It's unlikely that there will be many systems that will pursue a variance as Denver Water did. The Drinking Water Council is participating in the lead and copper rule work group. CDPHE is likely to take the lead and copper rule as written by EPA and adopt it. There will likely be fewer opportunities for site specific solutions. Schools and day cares will have to be sampled. Utilities will have to prove that they don't have lead service lines.

PFAS Field Blanks – John Gage – John reported that they're getting J flag results on field blanks and travel samples. He's interested in knowing if anyone else is having that issue. They're working on making their process even more refined. They'll be reaching out to the lab as well. Katie Koplitz reported that Metro had not had any flags on their field blanks. They haven't had any hits on the trip blanks either. Not even J flags. It may be a problem with the lab they're using. People should reach out to John if they have a similar issue.

Flushable wipes legislation – Dan DeLaughter – Dan reported that some Colorado legislators are interested in running a bill on flushable wipes. It may be about the labeling of the wipes. Other states have done some work on different levels of education and legislation. Flush ability standards are an option but not a popular one. EPA is looking at flush ability standards nationally. There haven't been a lot of objections to labeling and education. Four states have passed legislation requiring labeling and education. People should reach out to Dan if they're interested in the issue.

Presentation from the Freshwater Trust on water quality trading? Gabe added that the Freshwater Trust is working with Steamboat Springs on a temperature trading program. They were at water congress in 2021 at the summer conference. They participated in the temp implementation in permits work groups. They just presented to North Front Range Water Quality Planning Association (NFRWQPA) about trading programs for nutrients. For NFRWQPA, as a 208 water quality planning agency, they can add water quality trading to their plan. There's a path to implementation through the area wide plan. Water quality trading can be included in the 208 or watersheds plan and CDPHE can't object. Their presentation to NFRWQPA is posted on their website. **Members** should check out the presentation and let us know at the next meeting if people are interested.

https://drive.google.com/drive/u/1/folders/1qVo2PPzWF8dcMZuy9wxwQxt2zCCBA_Sk6

Survey for permits webinar topics – Blair led a brain storming session on topics to send to Nathan for the permits webinar. **Blair** will compile a list to send to Nathan.

- Chemical evaluation forms
- Schedule for influx of permit writers and schedule for getting new permits. CWWUC would like to offer tours of some plants for the incoming permit writers.
- Inspection process and how that will be implemented. Might be a different group.
- Decision making on meeting permit limits. Compliance schedule determinations process and duration. The council is in favor of reasonable, long, compliance schedules.
- Baseline monitoring frequencies.
- Rational for water quality parameter inclusion and limits.
- Sampling frequency. What do they use the data for and what is acceptable.
- Data requirement for reasonable limits. Shouldn't base limits on one sample, e.g.
- Mixing zone studies for lakes may be of interest
- Reasonable potential – metals taken off list then put back on because they didn't collect data. What is the policy? There's an expense for collecting and running the samples.
- Inclusion of standards of downstream segment. Sometimes, but not always, the lower standards of a downstream segments are included in the permits.

RMWEA government affairs committee representative needed – CWWUC needs a new representative. **Dan DeLaughter** is the government affairs liaison. Dan will be invited to talk to us about the group and then we'll ask him to be the liaison to the council.

Dr. Pepper update – see update

Audit requirement in Bylaws – Amy, Andra and Julie are working on it. **Amy** needs to draft a policy and procedures document. Then we can hire an accountant to perform an agreed upon procedure to ensure that our policies and procedures are adequate and that we're following them. We hope to present the policy and procedures in December and vote in January.

We are making great progress on the project. Here is an update on recent accomplishments:

- Fund-raising continues. We currently have pledges for approximately \$430,000.
- Site selection has been underway. We are currently in communication with 25 sites, with 14 confirmed.
- Sites are in 17 states in all major regions of the country.
- Soil sampling of the first two sites was completed in Tucson, with PFAS analysis in progress. Logistics for external sampling have been determined.
- To ensure systematic sampling across all sites with minimal PFAS contamination, we have created a 20-minute [instructional video](#) detailing sampling protocols.
- Personnel is being hired (50% FTE) for data management and modelling.

We would of course welcome further donations to the project and/or opportunities for additional sites. Overall, this is an ambitious project - national in scope - and important for understanding whether or not land application of municipal biosolids is a significant source of human PFAS exposure.

Dr Ian Pepper
 Director, The WEST Center
 Regents Professor
 University of Arizona
 520 307 4396

Other

Board Action Items

Approval of invoices for payment - Andra moved, Jesse seconded approval for payment of Amy's invoice. The vote was unanimous.

Checks for Approval in November			
2334 - Niwot Sanitation District	\$	230.00	refund of 2023 membership dues
2335 - Amy Conklin	\$	2,756.25	Oct. Coord
2336 - Vranesh and Raisch	\$	2,421.00	Invoice 43474

Jesse moved, Andra seconded approval for payment of Gabe's invoice. The vote was unanimous.

Andra moved, Jesse seconded approval of the refund of Niwot's membership dues. The motion passed unanimously. **Blair** will follow up with Niwot to try to engage with them.

Approval of October 12th 2022 minutes. Julie moved, Jesse and Andra 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,
- CERCLA exemption for PFAS in municipal biosolids.

Amy's contract – Send any feedback about Amy's performance directly to **Blair**. The motion to approve Amy's contract for 2023 was unanimous. ? I think. Amy was not present for the discussion or vote.

Insurance – The By-laws include language about the option to get insurance for the council. Amy's contract specifies that she will maintain the policy for the organization. **Amy** will gather more information about the need and cost for insurance for the CWWUC and report at the December meeting.

Next Meeting – Wednesday, December 14th at 1:00 pm

Attendance:

Nicole Rowan, CDPHE
 Nathan Moore, CDPHE
 Amy Conklin, Coordinator
 Gabe Racz, Vraesh and Raisch
 Randi Kim, Grand Junction
 FAR100225

Member	Last	First	11/9/2022
City of Pueblo	Ahrens	Andra	x
C. Springs Utility	Berlemann	Annie	x
Security	Bernard	Brandon	x
City of Montrose	Bries	David	x
Centennial	Calkins	Samuel	x

City of Broomfield	Cowell	Dawn	x
City of Loveland	Creaghe	Joe	x
South Platte Renew	DeLaughter	Dan	x
Black Hawk	DiToro	Jessica	x
Metro Water Recovery	Dorsch	Jim	x
City of Greeley	Eldridge	Tyler	x
St. Vrain	Fleck	Rob	x
City of Longmont	Gage	John	x
City of Aurora	Green	Bethany	x
City of Aurora	Handzo	John	x
Security	Heald	Roy	x
Clifton	Jennings	Eli	x
City of Broomfield	Julian	Lesa	x
City of Aurora	Kelley	Meghan	x
Monument	Kendrick	Jim	x
Metro Water Recovery	Koplitz	Katie	x
Platte Canyon	Lane	Cynthia	x
Plum Creek	Martin	Wes	x
Widefield	Morgan	Mike	x
Fountain	Ormandy	Toby	x
Monument	Parker	Mark	x
City of Longmont	Paterniti	Mary	x
City of Fort Collins	Schalm	Jesse	x
City of Northglenn	Stanley	Shelley	x
North Front Range	Thomas	Mark	x
Centennial	Tinetti	Julie	x
City of Greeley	Woolf	Jeremy	x
C. Springs Utility	Zietlow	Patti	x