



## Meeting Minutes

Wednesday, December 14th, 2022

Attendees:

See the table at the end of the minutes.

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Amy got the virtual meeting started and Blair welcomed everyone. A copy of the recording can be found [here](#). Julie took over running the meeting because Blair was pretty sick.

**Nathan Moore (CDPHE)** –Nathan responded to the question on the agenda about the impacts of supply chain issues on the availability of chemicals used in treating effluent. He hopes that a similar chemical would be used or one that was already approved when the preferred chemicals are not available. He suggested that the approach be to treat the issue the same way as a spill or other unexpected event. Unexpected events are not permitted, by design. He encouraged everyone to reach out to their permit writer for clarification. These situations happen for many different reasons.

David Bries asked about pilot testing for complying with nutrient standards. Some of the chemicals they want to use would cause their permit to be re-opened even though they are only running a pilot project. Permittees are allowed to change their chemicals as long as they aren't making a significant changes to the discharge. The first step is to get in a non-compliance notification or just a notification that there is a change. There is some guidance on when to make a report if there is a substitution in the process. The goal is to make sure the receiving water is protected.

Kelly Morgan also joined the meeting. She manages the compliance and enforcement division. The turnaround time for polyfluoroalkyl substances (PFAS) determination is taking longer than anticipated. It can take 5-6 weeks for sample analysis, resulting in late reporting. If dischargers aren't able to get the PFAS analysis in time for their Discharge Monitoring Report (DMR), add a notation that analysis not completed. Make a note in the comments section that the results will be reported as soon as possible. Water Quality Control Division (WQCD) staff will resolve any late delay as long as there is an explanation. Dawn asked if they would receive a letter to that effect. Kelly hasn't made a decision about making an official notification. They are waiting for guidance from EPA. People can also reach out to their compliance officer. EPA still hasn't issued the final 1633 method for detecting PFAS.

Kelly added the following into the chat: 'Due to known delays in PFAS analysis turnaround times that likely will impact Discharge Monitoring Report (DMR) submittal, the division is providing the following guidance: submit DMRs on time (by the 28th day of the month following the reporting period). The PFAS DMRs should be submitted using a No Discharge Indicator Code (NODI) "E" (analysis not conducted) along with a letter explaining that the DMRs are being submitted without data due to lab delay. When you do receive your PFAS data, you will need to update the DMR with the actual data. Please include evidence verifying that the lab turnaround time was the reason for the late submittal. The division will administratively resolve any late violations that resulted from lab delays. Division contacts: Kelly Morgan, Andrea Nestler, or Jocelyn Brink (for individually permitted domestic facilities).'

Tomorrow from 10-noon there will be a meeting for the upcoming lakes nutrients hearing to allow discussion about the Technical Advisory Committee (TAC) recommendations. Many members of TAC are planning to attend. It would be good for Jimmy McCutchan to attend. The responsive prehearing statements are due next week. In the WQCD's response they are going to discuss a previously undiscussed connection to the Voluntary Incentive Program (VIP) program. Regulations 61 and 31 will be referenced. It is a non-substantive change just to include the VIP program. Gabe thanked Nathan and commented that the VIP policy is coming in handy. It's probably a good idea to include reference to the VIP in the current regulations.

Have any PFAS in biosolids letters gone out yet? They are going out. Kelly reported that they are aiming to get the letters out by then end of the week or beginning of next week using Constant contact. Everyone should be sure to look for the letter and check their spam folder.

**Discussion Items**

**Lake Nutrients Criteria** – Gabe reported that he has sent out a Responsive Prehearing Statement (RPHS) and report supporting the statement. He went over the documents. There are a lot of technical issues and moving parts.

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

The 2012 Water Quality Control Commission (WQCC) Nitrogen (N) criteria are not feasible as end of pipe limits. Phosphorus (P) criteria may be. For this hearing, the standards were lowered even further. It's important to have the standards as appropriate as possible for the long term, at least. The current scenario would require hundreds of variances in the state. One concern is that if plants are treating at the standard of technology and still not meeting standards, there may be a cap put on the amount they can discharge. Implementation should

be as flexible as possible. That is supported in EPA regulations. If P standards are protecting the downstream reservoir, N reductions shouldn't be required. Chatfield is a good example. We want as much flexibility as we can get, especially for N.

Another goal is to put in front of the WQCC the costs for attaining the standards, which are enormous. EPA may be interested in the enormity of the costs. The goal is to get more flexibility to get feasible options that attain Chlorophyll a (Chlor a) standards. There's a lot information in the documents he distributed. He needs **comments no later than close of business Monday.**

There is a meeting at the state engineer's office on Monday at 3pm. Some entities are concerned about water rights being impacted by water quality protection. Cost information is being provided by Centennial, Plum Creek and Boulder. There may be a few more entities who can provide some cost estimates. Gabe is interested in information from anyone who can provide it.

Gabe is specifically looking for information that supports the assumption that the standards will applied at the end of the pipe. How much would it cost to get down to 680 ug/L at the end of the pipe? Even with Reverse Osmosis (RO), the N standard may still not be attainable. If RO is used about 20% of the water in the effluent would be lost as brine. In addition to RO, there would be disposal of PFAS containing materials from the RO treatment. He hopes others will comment on the unobtainability of the standards. The RPHS could be stronger in emphasizing the unobtainability.

Dan introduced the argument that in Reg, 31 only P and Chlor a were used. Now N has been added. It's not appropriate to include N now because it is inconsistent with how the water quality road map was laid out. He's unaware of discussions in the work group process to add N or to change values from interim standards to table value standards. There are also some Minimum Detection Limits (MDLs) in Regulation 85 for ammonia and total organic N, that can't be attained any more. The MDLs aren't able to be attained by any lab South Platte Renew uses. **Dan** will send the language to **Gabe and Sherry** they're using to make the argument.

Gabe added that the technical comments by Northern water are substantial. They haven't finished their RPHS yet. They are going to try to support each other but are unlikely to be able to collaborate. He thinks it might be easier to impact implementation rather than criteria.

The group discussed the work of the TAC. Frustration was expressed about the lack of transparency from the WQCD staff regarding the data. Some of the information in Gabe's documents was a surprise to members of the TAC. Particular concern was expressed about using only one data point to set a standard. As the WQCD has responded to concerns about the data analysis, they have acknowledged that the changes impact the numbers they intend to propose for the

standards but won't share what the numbers are, even with the TAC. They also didn't explain what the changes to the database were. In Northern Waters' work, Jean Marie Boyer, their expert limnologist, reported that using three (3) data points versus one (1) could change the standard by 25%.

De-coupling of N and P is unlikely to happen because EPA is insisting, they stay coupled. EPA disapproved standards in Nebraska because they attempted to de-couple N and P. Chlor a will also not be de-coupled from N and P. The relationships between N, P and Chlor a are not strong but assuming there is a strong connection makes it easier to write permits. Keeping flexibility to develop site specific standards (SSS) is probably the best strategy. WQCD staff hasn't acknowledged the need for SSS, yet.

Other water quality variables will have work groups formed. The work group process needs to be revised as does the TAC approach. Too many knowledgeable experts have been excluded from the process. The TAC didn't make any decisions or have an impact on decisions the WQCD staff made. Membership in the TAC was too exclusive.

**Chemical Form Evaluation Subcommittee** – John wasn't available to make a report.

**Water Quality Forum Updates – Meghan Wilson** – Meghan reported that the next WQF meeting is Jan. 23, 12:30 - 3:45 p.m. Topics in addition to regular Division and Work Group updates include: Denver Water Variance: Implementation and Results: Statewide Lead Service Line Inventory: PFAS Communications: Messaging through the noise and Capital Projects at Plants. The agenda will be posted to <http://colowqforum.com/cleanWater/meetings/>

**Drinking Water Council Updates – Cynthia Lane** – Cynthia reported that railroad strike has been avoided. Now there is a concern that the federal government may be shut down. Any shut down would impact EPA and the lead and copper rule of the Safe Drinking Water Act. Cynthia and Dan talked about their experiences at the fly in. They won't be able to coordinate in 2023 between wastewater and drinking water organizations. All the organizations will be able to repeat their messages to the elected officials which may be better. Infrastructure and CERCLA exceptions for PFAS in biosolids will be topics. Cybersecurity will continue to be a topic as well. EPA may develop protocols for cybersecurity if organizations don't develop one first. AWWA pays for one attendee per state per 10 representatives in congress. AWWA will pay for one person for CO. If anyone would like to go for their utility, let Sherry and Cynthia know because they are starting to coordinate meetings. Others would just have to pay their own way. AWWA wouldn't pay for others.

Sherry added that cybersecurity will be added for drinking water inspections. She would very much welcome others coming. There has been some lead and copper rule updating. The regulation is likely to get more stringent. An Maximum Contaminant Level (MCL) for PFAS should be coming before Christmas.

### Presentation from the Freshwater Trust on water quality trading?

There are obstacles to water quality trading. It could be helpful to explore trading opportunities. The presentation would need to be targeted. NFRWQPA was directed by WQCC to explore water quality trading as part of their 208 Plan approval. **Jessica and Mark** will reach out to the Fresh Water Trust and talk to us about Water Quality trading. We want to overcome barriers. Jessica will talk to her contact in Steamboat and ask that they share the costs for water quality trading.

RMWEA government affairs committee representative – tabled until next month

Audit requirement in Bylaws – Amy, Andra and Julie are working on it.

Insurance –Roy Heald moved to get both General Liability and Directors and Officers insurances as of Jan 1 without terrorism rider. Jesse Schlam seconded the motion and it passed unanimously. Unanimous.

### PFAS –

Sampling procedures – Kathyne Marko is preparing a draft of the sampling procedures. A request for recommendations for laboratories that analyze PFAS was made. Boulder selected Pace Analytical for PFAS analysis. They are working on protocols for PFAS sampling. Fountain worked with Euro Fins for their analysis. They are using draft 1633 method and are located in California. They offer both Methods, 1633 and 537.

Communication Coordination – Jesse Schalm is working through the Colorado Monitoring Framework (CMF) on a communications plan. Everyone is welcome to participate. Reach out to Kathyne Marko or Jesse for more information and to participate. The goal is to have one source for information and coordination about messages. Jesse is drafting a communication plan including some language and key talking points. The communication plan is intended to serve everyone to give to the state to start the communication plan.

### Other

**Board Action Items** - Approval of invoices for payment – Jesse Schlam moved, Wes seconded approval for payment of all invoices. The vote was unanimous.

Checks for signature in Dec. 2022		
2337- Vranesh and Raisch	\$ 4,941.00	Invoice 43608
2338 - Amy Conklin	\$ 2,493.75	November 2022 Coord
2339 - Rose E. Melville, CPA	\$ 240.00	tax prep

Approval of November 9<sup>th</sup> 2022 minutes. Wes moved, Jesse 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.
- Water quality trading

Next Meeting – Wednesday, January 11<sup>th</sup> at 1:00 pm

Attendance

Nathan Moore, CDPHE  
 Kelly Morgan, CDPHE  
 Amy Conklin, Coordinator  
 Gabe Racz, Vraesh and Raisch  
 Cherokee Metro  
 Maria Vanderloop, Pueblo  
 FAR100225  
 Nic George

Last	First	email	Paid?
Ahrens	Andra	AAhrens@pueblo.us	X
Berlemann	Annie	aberlemann@csu.org	X
Bernard	Brandon	<a href="mailto:b.bernard@securitywsd.com">b.bernard@securitywsd.com</a>	X
Bilgin	Azra	<a href="mailto:azra.bilgin@longmontcolorado.gov">azra.bilgin@longmontcolorado.gov</a>	X
Bries	David	<a href="mailto:dbries@ci.montrose.co.us">dbries@ci.montrose.co.us</a>	X
Burks	Bryan	<a href="mailto:bburks@mcbwsd.com">bburks@mcbwsd.com</a>	X
Calkins	Samuel	<a href="mailto:SCalkins@cwsdhrmd.org">SCalkins@cwsdhrmd.org</a>	X
Chameroy	Bruce	<a href="mailto:bchameroy@erieco.gov">bchameroy@erieco.gov</a>	X
Cowell	Dawn	dcowell@broomfield.org	X
Creaghe	Joe	Joe.Creaghe@CityofLoveland.org	X
DiToro	Jessica	jessica.ditoro@lrewater.com	X
Eldridge	Tyler	<a href="mailto:Tyler.eldridge@greeleygov.com">Tyler.eldridge@greeleygov.com</a>	
Fabbre	Mike	<a href="mailto:mfabbre@mcbwsd.com">mfabbre@mcbwsd.com</a>	X
Fleck	Rob	Rob@stsan.com	X
Green	Bethany	<a href="mailto:begreen@auroragov.org">begreen@auroragov.org</a>	X
Handzo	John	jhandzo@auroragov.org	X
Harmon	Nick	<a href="mailto:nharmon@auroragov.org">nharmon@auroragov.org</a>	X
Heald	Roy	r.heald@securitywsd.com	X
Heckman	Jim	lfmanager@lfmsdd.org	X
Kelley	Meghan	<a href="mailto:Mkkelley@auroragov.org">Mkkelley@auroragov.org</a>	X

Kendrick	Jim	<a href="mailto:jfkendrick@q.com">jfkendrick@q.com</a>	X
Kruckeberg	Jason	<a href="mailto:jkruckeberg@silverthorne.org">jkruckeberg@silverthorne.org</a>	X
Kunovic	Joe	<a href="mailto:Joe.kunovic@greeleygov.com">Joe.kunovic@greeleygov.com</a>	
Lane	Cynthia	<a href="mailto:calane@plattecanyon.org">calane@plattecanyon.org</a>	X
Martin	Wes	<a href="mailto:wesmartin@pcwra.org">wesmartin@pcwra.org</a>	X
Morgan	Mike	<a href="mailto:mike@wwsonline.com">mike@wwsonline.com</a>	X
Noble	Anne	<a href="mailto:Annie.Noble@longmontcolorado.gov">Annie.Noble@longmontcolorado.gov</a>	X
Ormandy	Toby	<a href="mailto:tormandy@fsd.co">tormandy@fsd.co</a>	X
Scaggiari	Sherry	<a href="mailto:sscaggia@auroragov.org">sscaggia@auroragov.org</a>	X
Schalm	Jesse	<a href="mailto:jschlam@fcgov.com">jschlam@fcgov.com</a>	
Sigmon	Cole	<a href="mailto:sigmonc@bouldercolorado.gov">sigmonc@bouldercolorado.gov</a>	X
Stanley	Shelley	<a href="mailto:sstanley@northglenn.org">sstanley@northglenn.org</a>	X
Thomas	Mark	<a href="mailto:mthomas@nfrwqpa.org">mthomas@nfrwqpa.org</a>	X
Tinetti	Julie	<a href="mailto:JTinetti@cwsdhrmd.org">JTinetti@cwsdhrmd.org</a>	X
Trejo	Diana	<a href="mailto:diana.trejo@lrewater.com">diana.trejo@lrewater.com</a>	X
Watkins	Joshua	<a href="mailto:jwatkins@cherokeemetro.org">jwatkins@cherokeemetro.org</a>	X
Wilson	Meghan	<a href="mailto:wilsonm@bouldercolorado.gov">wilsonm@bouldercolorado.gov</a>	X
Wilson	Tara	<a href="mailto:twilson@cityofwestminster.us">twilson@cityofwestminster.us</a>	
Woolf	Jeremy	<a href="mailto:jeremy.woolf@greeleygov.com">jeremy.woolf@greeleygov.com</a>	