



Meeting Minutes

Wednesday, February 12th, 2025

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

A copy of the recording can be found [here](#). Dan welcomed everyone and started the meeting. Erik Burggraf introduced himself as did Andrew Neuhart. Dominique Devaney, representing Pleasant View introduced herself.

Nathan Moore, CDPHE – Nathan shared a page they have developed to try to make it easier to track all the different engagement efforts - <https://cdphe.colorado.gov/water-quality-engagement> He asked for feedback from the group on the page to help improve it. He shared that the biosolids risk assessment for PFAS was released by EPA. The interpretation is that the guidance is a first step to try to determine where a risk may exist rather than a quantification. The report pretty well aligns with what the Water Quality Control Division (WQCD) is already doing in Colorado.

He noted that there is a stakeholder fee meeting tomorrow. They are looking to eventually have a rule-making hearing. The fees will not increase enough to add a lot more people because they don't have the spending authority to increase very much. What it means is that the FTE goals they identified through years of stakeholder engagement are not happening soon. They have increased the number of permit drafters but there is still a need for more. He's optimistic that the permits backlog will improve notwithstanding.

They are also improving their annual reporting and increasing permitting webinars as well as several other efforts. The overarching goal is to increase transparency especially regarding the status of permits. They've hired a consultant to help with efficiencies as well as a clean water coach to help smaller systems. He mentioned some existing efforts and how they will continue their work. Of particular interest is a response to rescheduling Reg. 85 nutrient setting processes to better include feasibility constraints.

Julie asked if the National Water Research Institute (NWRI) has been billing CDPHE. CDPHE paid their part up front. He encouraged us to reach out to Julie Abshire to get an accounting of how the money is being spent. They are working hard and Julie Tinetti will make a report later in the meeting.

Dan asked about the PFAS risk assessment and any impacts from the new administration. Nathan knows that proposed rules needed to be resubmitted when an administration changes and the rules about PFAS have been submitted. The Reg.85 effort will produce a work plan on how to move forward. He's hoping that the topic will be discussed at the Water Quality Forum this summer. He thinks it's likely there will be a work group developed on the Reg. 85 process.

Mark Koch asked about a bill introduced in the legislature addressing TMDLs. Nathan noted that they are not a proponent of the bill and don't have a position on it. The bill addresses the data used in developing TMDLs - bill 1099(?). He asked that we discuss the engagement website **next month** but be sure to send any feedback as convenient.

Discussion Items

Regulatory Updates –

Air Toxics update – Erik Burggraf (associate general counsel at Metro) reported that they're hopeful the council will continue to be engaged with air toxics. He thanked the council for their support in asking that H2S not be listed. The Air Quality Control Commission (AQCC) listed H2S and others. By 2026 the AQCC will need to adopt health-based standards and will consider control standards and permits. Emission controls don't have any guidance yet. The AQCC was receptive to the Metro position. There is a parallel effort to adopt other air toxic limits. There will be more to come on the issue.

Gabe asked about next steps and opportunities for engagement. Between now and the air toxics reporting requirement hearings is scheduled for May 2025. There isn't a lot to be done at this time. There will be more updates to come. One of the factors is that there isn't good data/information on the health impacts of some of the proposed air pollutants. The council could consider hiring experts.

Dan asked about communication and developing talking points. Gabe is concerned about the issue and suggested council members develop a strategy for addressing legislative and public outreach efforts regarding the air pollutants. There isn't good health-based information. It may be worth the expense to the council and members to get on top of the issue. Erik will ask if Metro has or could share a communication strategy. Broomfield also provided a letter of support to the hearing. It isn't clear now what permits the air standards would be added to. Mark Kock noted that Metro has done a good job and Miller Coors are concerned as well.

Julie asked if anyone is collecting air pollutant data. Highlands Ranch Water doesn't collect a lot of information. Not many people are currently collecting air data. Gabe will ask his experts if they should be collecting data and if so, which constituents. Metro shared that Metro is the only plant that has a Title V, higher level, permit which required them to collect air quality data. The H2S measurements from Metro lead her to think that

smaller systems won't generate much. Any part of a system that has odor control likely has H₂S being generated.

Legal services update – Gabe reported that he and Justine have changed firms to Clark Hill. They now have additional environmental attorneys as resources as well as legislative and litigation resources. They are still based in Boulder and have a Denver office, too.

One of the questions they asked their new colleagues regarded limits to 501 c 3 organizations with lobbying efforts. 501 c 3 s are charitable organizations and have limits on lobbying within the IRS code. The IRS has broad language regarding what lobbying means. Only 20% of the council funds can be used for lobbying. His advice was to be very careful about any interactions with legislators and consider re-organizing the IRS statutes (e.g. 501 c 4). Probably the council has outgrown the 501 c 3 designation that it was formed under. Gabe can request a scope and budget for advice.

Gabe reported that the non-extractive stormwater permit was commented on by the council regarding certification specific limits. DIA appealed the permit on a number of bases. There is a party status deadline to join the appeal of this Friday. It could be an opportunity for members to report on how the permit implementation is actually working. Dan shared the experience at South Platte Renew where goose poop was an issue. E Coli from the goose poop was skewing results above the standard. The inspector indicated that they might have to treat stormwater in the future if the e coli problems continue. Metro has had similar issues at their outfalls. One problem is that any site-specific standards that are set can't be appealed. If there is a TMDL on the receiving water body, there is a higher likelihood of a site-specific standard from stormwater outfalls.

Highlands Ranch received a no exposure exemption so they are not interested in being a party. The permit appeals hearings are not posted anywhere. Party status request would be a small effort. Gabe will file for party status and come back if the effort grows into something larger. He will forward party status information to Amy to forward to the members.

NWRI Panel Process Update – Julie shared that NWRI is working with CDPHE and the panel members have met. The scope is still being developed. The only data they have is from CDPHE so they're trying to figure out what other data and resources they might need. There's an effort to set an in-person meeting. There is another meeting on Feb. 17th where more information will be available. **Amy and Julie** will request accounting for their expenditures. Dan asked if there is an expectation for a final scope and cost and if we could ask NWRI to address that issue.

Legislative Issues – No one was available to report on any updates.

Fee Stakeholder workgroup – No one available to report on the workgroup.

WQCD meeting update – Dan reported on the meeting the CWWUC Executive Committee held with the WQCD. He had to leave the meeting early. Erin had reported that the meeting was short and unproductive. Dawn added that there was 30 minutes allotted and not much happened. The WQCD position was that they are doing well and the fact sheet wasn't accurate and didn't include information that was available. They believe they are doing enough. We should continue to track what is happening with any bill and, consecutively, understand the council's limits on participating in legislative issues.

Diana asked for clarification of the legislative process we're potentially engaged in. Gabe explained that Metro developed and distributed a fact sheet on the issues. Enhancing communication with permittees before permits were being issued was a key topic. The fact sheet contains the topics. Another issue is how to address them ignoring existing legislation (e.g. 180-day rule).

Andrew asked if anyone had any clarification on the CDPHE permit issuing statistics. He can't find any data to support their claim that they were at a 50% backlog. They may not have been counting permits accurately. They may have been including general certifications. We could ask them about the data. **Dan** will ask for clarification.

Permit Process Efficiency – Dan reported that a consultant had been hired to gather information from all the stakeholders and representatives. The consultant asked good questions and got the participants to share information efficiently. It was a Strength, Weaknesses, Opportunities and Threats (SWOT) analysis with break out groups. He is confident that the consultant got good information and hopes it will be used wisely. **Dan** will try to condense the groups' thinking and share the summary. There may be a call where other members could share information.

Regulation 85 discussion – Dan reported that Nathan had talked about this issue. There is likely to be a stakeholder effort. How would the council like to participate? There is a VIP process that will be expiring leading to a concern about how the VIP credits may be applied. What else will be necessary between 2027 and 2030 where there currently is not guidance? Are there other things that could be addressed? Julie supported the concept of being proactive with a subgroup. **Julie** volunteered to be on the subgroup. **Mark Thomas, Jesse Schlam, Andrew Callahan, Andrew Neuhart, Dwan Cowell, Gabe, Katie, Andrea Stucky Acob, Meghan Wilson Outcalt and Patti Zeitlow** all volunteered to be part of the subgroup. Most popular subgroup ever!. We should push for it being a work group at the Water Quality Forum in July. CDPHE is likely to be developing their own work plan so we should develop our own.

For next month, CMF had an effort to try to address lead organizations for different initiatives. **Dan** will bring it back next month. He'll circulate a survey for discussion in the meantime through **Amy**.

Dr. Pepper PFAS research – Amy reported that Dr. Pepper and his team completed Phase 1 of their research. It showed that:

“Soil PFAS concentrations showed that land application of municipal biosolids rarely resulted in unacceptably elevated soil PFAS concentrations regardless of land application loading rate. The potential for significant leaching of PFAS and subsequent groundwater contamination is low at most land application sites across the country.”

Julie shared that he thinks Dr. Pepper is doing good work that we should continue to fund with the caveat that the report will be used by the state. The consensus is that the state is unlikely to commit to using the reports' data. However, we can advocate for them to use it. **Amy** will nag Dr. Pepper again about a presentation. She will ask him to please address the dryland crops. **Dan** shared that a local study on PFAS in crops came back non-detect. He'll try to get it released to share with Dr. Pepper.

Other – Amy reported on the Barbara Biggs Memorial Fund (BBMF) – Ryan Aides reported that – *“We have collected a total of \$25,000 with commitments for another \$5,000. We bought a CD with \$15,000 that has currently earned \$135.03 in interest and matures on 11/25/25. The account that the remainder is sitting in has also earned \$13.28 in interest. So, we currently have \$25,148.31 in the scholarship fund with another \$5,000 committed.”* Amy and Ryan are trying to organize a meeting of interested parties to brainstorm how to continue the fundraising. In the meantime, anyone interested in making a contribution should reach out to Amy and/or Ryan

RMWEA Government Affairs Liaison – Julie reported that Meghan addressed the Fly-in. Julie is going on behalf of AWWA, the drinking water side. Reach out if you'd like to go for the wastewater side. Drinking water and wastewater are encouraged to coordinate. There may still be some scholarships available. Diana will get in touch with Julie for more information.

Water Quality Forum Updates - Meghan reported in the chat *“Hi all, I need to hop off around 2, so putting the Water Quality Forum updates here:*

- *Next meeting – March 17 – topics TBD*
- *Save the date – July 31 and August 1 – Water Quality Forum retreat at CSU Spur – hoping to have discussion of NWRI work and/or future of Reg 85, in addition to usual work planning activities*
- *More info at <https://colowqforum.com/cleanWater/meetings/>*
- *If you have any meeting topic ideas or questions/concerns about the Forum, I'm on the steering committee and am happy to chat: wilsonm@bouldercolorado.gov*

And not to steal Julie’s thunder on the RMWEA government affairs update: If anyone is going to the Water Policy Fly-in in DC in April and would like to coordinate congressional visits with RMWEA members who are attending, feel free to reach out to me at wilsonm@bouldercolorado.gov.”

Drinking Water Forum Updates – Julie reported that there are some bills introduced they are watching. Contact Julie for more information. Katie asked about the Town of Frisco getting a grant to treat for PFAS. Roy reported that it had been an issue and they may be being proactive. Jason added that they had one well with a detect for PFAS and they may just be acting so that the well can remain productive.

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

Checks for Signature Feb 2025		
2432 - Applewood Bookkeeping	\$ 150.00	Inv. #852
2433 - Amy Conklin	\$ 3,000.00	Jan 2025 svcs
2434 - Legal services		
2435 - Greenway Foundation, BBMF	\$ 1,000.00	charitable

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

Speakers/topics for 2025 – Amy requested members send her any requests for meeting topics in 2025. She has reached out to Dr. Pepper to have him present in March or April. It was suggested to try to get a speaker from EPA or to talk about changes at the national level. Mark Thomas suggested a presentation on feasibility being conducted by the WQCD separately from EPA. Blake and Kaanan have been working with 208 Agencies.

Next Meeting – Wednesday, March 12th at 1:00 pm

Attendance

Amy Conklin, Coordinator	iphone
Nathan Moore	hwebb
Andrew Sayers Fay	jurget
Gabe Racz	

Member	Last	First	
Peublo	Callaghan	Andrew	x
St. Vrain	Arnold	Alex	
Mount Crested Butte	Bembenek	Adam	
SPR	Stucky Acob	Andrea	x

Dominion	Neuhart	Andrew	x
	Berlman	Annie	
		Anthony	x
Grand Junction	Firl	Ashley	
Longmont	Bilgin	Azra	
	Johnson	Ben	
	Green	Bethany	
Security	Bernard	Brandon	x
Cherokee	Zembles	Brandon	x
	Zachman	Brad	
S. Platte Renew	Corning	Blair	
	Stanfield	Bent	
	Burks	Bryan	
	Icenogle	Bret	
	Z	Brian	
	A	Brianne	
Pinyon	Byus	Caroline	
St. Vrain	Kampman	Chris	
Boulder	Sigmon	Cole	
	Bieker	C	
	Lane	Cynthia	
South Platte Renew	DeLaughter	Dan	x
	Richardson	Daniel	x
Montrose	Bries	David	
	Louch	Dave	
	Kurz	David	
Lafayette	Jackson	David	
	Bonsall	Desirray	
Broomfield	Trejo	Diana	x
Broomfield	Cowell	Dawn	x
		Dominique	x
Metro	Buggraf	Erik	x
Mott Macdonalds	Farias	Elizabeth	
Metro	Bertoli	Erin	
Dominion	Bahn	Evan	
		Heather	
C Springs	Greeno	Hunter	

	Smith	Gary	
Louisville	Venette	Greg	x
Silverthorne	Kruckeberg	Jason	x
	Shivvers	JD	x
Fort Collins	Schlam	Jesse	x
Black Hawk	DiToro	Jessica	x
Fountain	Heckman	Jim	
Monument	Kendrick	Jim	x
Metro Water Recovery	Dorsch	Jim	
Gypsum	Hancock	Jim	
Loveland	Creaghe	Joe	
Greeley	Kunovic	Joe	x
	Coyle	Jon	
Longmont	Gage	John	x
	Moore	Jonathan	
	Watkins	Joshua	
Westminster	Nims	Josh	
	Tinetti	Julie	x
	Koplitz	Katie	x
		Kayla	x
	Cline	Kelly	x
Grand Junction	Carson	Kurt	
	Swenson	Lauren	
	Haxby	M	
Eagle	Harris	Madeline	x
	Freyre	Manuel	
	Parker	Mark	
	Christiansen	Mark	x
	Volle	Mark	
Molson Coors	Koch	Mark	x
NFRWQPA	Thomas	Mark	x
	Deminski	Mary	
	Paterniti	Mary	
Boulder	Wilson Outcalt	Meghan	x
Boulder	Mimna	Melissa	x

	Morgan	Mike	
	Fabbre	Mike	
	Hoffman	Mike	
C springs	Gustafson	Mike	
	Marcum	Mike	
Broomfeild	Monacelli	Natalie	
Aurora	Harmon	Nick	x
	Marusin	Nick	x
C. Springs	Zeitlow	Patti	x
	Heald	Roy	x
	Kim	Randi	
	Calkins	Sam	
	Harcus	Scott	
Northglenn	Stanley	Shelley	x
Eagle	Wilson	Stephan	
Westminster	Wilson	Tara	x
	Good	Tyler	x
Fremont	Ormandy	Toby	x
	Kraft	Tanner	x
	Eldridge	Tyler	x
	Eaves	Wally	
		Vic	x
Plum Creek	Martin	Wes	
	Zachman	Brad	