



Draft Meeting Minutes
Wednesday, February 14th, 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 went over the agenda.

Nathan Moore, CDPHE staff – Nathan reported on stakeholder processes. The Road Map stakeholder meeting will be next week. Dredge and fill bills are being proposed that may impact some CWWUC members.

Conversation with CDPHE and Colorado Parks and Wildlife (CPW) regarding Temperature Warming Events – A subcommittee of CWWUC has been working with CDPHE and CPW to understand the methods used in temperature regulations. Skip Feeney began by introducing the team presenting. Regulation #31 was developed in 2016. In 2018 the Water Quality Control Commission (WQCC) further defined the warming event method. In 2021 WQCC asked the Water Quality Control Division (WQCD) to provide clarification on how the warming event method would be applied.

Mindy May began by explaining that the warming event methods are based on the fish responses. Fish in a laboratory setting were warmed and the results recorded to develop safe and optimum temperature levels. She explained how the data was used to develop the methods and standards.

Ashley Rust went into detail about how the standards were developed using data for different species. Species growth being decreased by 20% is one of the criteria used in determining the standards. Other issues associated with reduced growth include susceptibility to stress, disease, predation, decreased reproductive success and more frequent deformities. The warming event method is more flexible than the degree days method.

Lorie Petersen talked about how temperature assessments are applied and addressed some of the council's written questions. What happens when warming events are interrupted? The WQCD decided to use the most generous interpretation and allowed exceedances to accrue over a season. What happens if a small portion of the stream segment exceeds the standard? It's still considered an exceedance. There is no spatial

component to the warming event; all the segment must attain the standard. Temperature instrument accuracy/variability does not include any margin of error. How is a stream's natural warming and cooling addressed? Site-specific standards should address the issue. Should there be more tiers? The WQCD has already develop[ed] enough tiers however site specific standards can be considered. Excursions pose technical challenges for the WQCD. The excursion method led to multiple year exceedances which didn't protect fish. In 2021 the WQCD compared the excursion method to the warming event method and determined there was not a significant difference between the two. Warming events methods are necessary to protect Aquatic Life and have been in place since 2018. This is nothing new.

Caroline asked about the authors listed in one of Ashley's slides. She asked if there were additional studies included in the Listing Methodology. Ashley clarified that the authors were ones used for the warming events development not in the 2016 hearing. The database was established in 2006 and 2007 then updated in 2016. The literature shown in the slide were all growth studies. Amiee Konowal put a link to file that has the literature sources used in the 2016 hearing.

<https://drive.google.com/drive/u/1/folders/0B4B0XEVym7wTUVphMG1wWms3X3M?resourcekey=0-lpP1IKqiW3OsGGI-aGpDYA> WQCD Exhibits E & F

Dan asked about if the warm water species were included as well. Ashley answered that they were. She only showed the cold water studies because that list was shorter and was easier to present. The warming event was calculated using the summer data only. The winter standard was calculated as ½ the summer standard. The chronic summer standard is based on optimal growth. For the warming event, they added another 20% to the chronic temperature. Winter warming events have more stringent criteria than the summer.

Gabe asked for clarification on how the data was used on the recent hearing on the Eagle River. Mindy explained that there need to be some years where the temperatures allow for maximum reproductive success. Since the fish only live 2 – 8 years, it's important that there be some good years for the fish populations to be sustained.

Jim Dorsch asked if there was a plan to review the literature for newer studies. Nathan responded that there are triennial reviews. The reviews don't always include a literature review but they can. In 2016 there was a literature review. The change to a warming event methodology hasn't triggered a literature review. Nathan invited people to request a literature review if they think its necessary. Aimee Konowal encouraged people to send additional references when they think it's relevant. Often the criteria and standards don't change at all or much.

Justine asked about the Cold Stream question. Wouldn't it be more harmful if the temperature dropped dramatically in one day rather than a few days of minor exceedances. Dramatic changes in temperature are not optimal for natural populations. The narrative standard tries to address different potential events.

Caroline asked about the 1 in 6-year period of record. If the recovery rate is 3 years between exceedances, wouldn't 2 exceedances be allowable? Ashley responded that multiple year classes would be interrupted and there would be holes in the fish population. The disruptions would be too frequent, and the fish populations couldn't bounce back.

Stephan Wilson asked about the 20% addition to the optimal temperature. 20% is a commonly used measurement in toxicology. The WQCC sets the established thresholds in reviewing the standards and criteria. The warming event concept spreads out the impacts to the fish but there are still impacts.

Discussion Items

Regulatory Updates –

Julie reported on the PFAS Bill – SB 24-081 – This is a source control bill to limit the use of products that contain PFAS. It has been postponed until Feb. 27th. There is organized opposition. It would be good to have support from the water community. It was concluded that the CWWUC would express support with members adding their names to the letter of support. It's really powerful to list our members unless specific members express concern. Katie moved to have CWWUC to submit the fact sheet with member names listed. Jim Heckman seconded. The vote was unanimous.

Julie reported on the green infrastructure bill – SB 24-037 – She will send a message later explaining the bill but will wait because no hearing has been scheduled due to a large fiscal note. The bill is likely to change so she will continue to watch it.

Julie also reported on federal legislation on PFAS that would shield water and wastewater utilities from CERCLA liability. More information should be coming about the bill. She asked that the CWWUC submit a letter of support. Brandon moved to submit the letter of support, Andrew seconded. The vote was unanimous.

Gabe started his report with the Regulation 22 workgroup. Their next meeting is on February 26th at 2 pm. The two topics are construction flexibility and historical infrastructure. He asked for feedback from the group about how the approach is working. **Jim Heckman** will get back to Gabe. Currently if they don't have a problem with the facility, they won't take any enforcement action.

Gabe is still comparing the Kirkmeyer bill and the CDPHE bill on Dredge and Fill requirements. There are many differences. The Kirkmeyer requires that CDPHE use nationwide and regional permits. The CDPHE bill allows the state to develop their own method. He's pretty sure it will impact construction projects. Both bills address gap (ephemeral) waters and take similar approaches. There should be opportunities to comment on the bill.

Justine reported on the fee setting effort. The CDPHE is providing more information on the Clean Water permitting needs. The Drinking Water fees are moving forward. The WQCD is still refusing to track efforts. The next Clean Water fees subgroup meeting is February 21 at 3pm, and the next large stakeholder meeting is February 26 at 9 am. Information can be found here: <https://cdphe.colorado.gov/water-quality/water-quality-engagement/water-quality-fee-setting-rule> . For those interested in the 1st rulemaking, materials are being posted here: https://drive.google.com/drive/folders/1v1HIJvMDcVCAMRdNNJw43mksREH_UUaI

Colorado Monitoring Framework update – Julie reported that the meeting was designed to show the differences and similarities between all the organizations. The intent was to determine where there could be collaborations and a unified voice. Some of the topics include taking advantage of engaging with regulatory agencies, engaging with organizations that were not present at the meeting, identifying points of contacts for certain topics (e.g. PFAS), and participating in regulatory meetings. Andrew added that it would be good not to duplicate efforts. More collaborations will help identify where resources can be more effective. Jesse agreed that the purpose was to try to be nimbler and get more organized, develop an agenda for the regulated community. There may be a need for a subgroup in the future.

Water Quality Forum Updates – Meghan Wilson – Meghan reported in the chat: The steering committee met last Friday, but she was out of town and hasn't heard any updates. The next meeting is March 18. Julie added that she appreciated that changes were made to how the meetings are being run with some of the updates being provided in writing in advance.

Drinking Water Council Updates – Cynthia Lane – Cynthia was not available to report. Brandon reported that cybersecurity was a big topic as well as some other bills that have been mentioned.

Barbara Biggs Memorial – Amy and Julie reported that there had been a meeting with the subgroup working on the memorial fund. They are planning another meeting in March when Amy will report back. The goal is to have the fund ready to accept donations by July 1 so that it can be promoted at a TGF event in August. We hope to be making distributions in 2025.

Website Discussion – The website is giving **Amy** fits. Does CWWUC still need a website? Or, would some other service be adequate? If we want to keep the website can we explore making it simpler? In the interest of time, the issue will be moved to next month’s agenda.

Board Action Items – Jim Heckman moved and Jesse Schlam seconded a motion to approve the invoices as presented. The vote was unanimous to approve payment of invoices presented. **Amy** will make Budget update next month.

Approval of January 10th, 2024, minutes. Jim Heckman Moved and Andrew Callaghan seconded a motion to approve the minutes. The vote was unanimous to approve the minutes as presented.

Shelley will report on the facility tours next month.

Next Meeting – Wednesday, March 13th at 1:00 pm

Attendance

Amy Conklin, Coordinator
 Gabe Racz
 Nathan Moore
 Amiee Konowal
 Mindy May
 Justine Beckstrom
 jurget
 Skip Feeney

Ashley Rust
 Andrew Sayers-Fay
 begreen
 Lorie Petersen
 720 421 7036
 Blake Beyea, WQCD
 mgustafon
 719 322 5511

Member	Last	First	email	
Peublo	Callaghan	Andrew		x
	Berleman	Annie		x
Longmont	Noble	Annie		x
Security	Mills	Anthony		x
Grand Junction	Firl	Ashley		x
Roxborough	Biggs	Barb	Gone but not forgotten. RIP dear friend	
Greeley	Johnson	Benjamin		x
	Bernard	Brandon		x
	Burks	Bryan		x
Pinyon	Byus	Caroline		x

Boulder	Sigmon	Cole		X
South Platte Renew	DeLaughter	Dan		X
	Richardson	Daniel		X
City of Broomfield	Cowell	Dawn	dcowell@broomfield.org	X
Montrose	Bries	David		X
Lafayette	Jackson	David		X
Black Hawk	Trejo	Diana		X
Mott Macdonalds	Farias	Elizabeth		X
South Adams	Smith	Gary		X
Silverthorne	Kruckeberg	Jason		X
Fort Collins	Schlam	Jesse		X
Black Hawk	DiToro	Jessica		X
Fountain	Heckman	Jim		X
Monument	Kendrick	Jim	jfkendrick@q.com	X
Metro Water Recovery	Dorsch	Jim	jdorsch@mwr.dst.co.us	X
NFRWQPA	Thomas	Mark		X
	Deminski	Mary		X
Broomfeild	Monacelli	Natalie		X
	Winterton	John		X
Aurora	Handzo	John		X
Centennial	Tinetti	Julie		X
Metro	Koplitz	Katie		X
Eagle River	Harris	Madeline		X
Northglenn	Freyer	Manuel		X
	Moore	Johnathan		X
ERWSD	Cribari	Leah		X
ERWSD	Harris	Madeleine		X
Boulder	Wilson	Meghan	wilsonm@bouldercolorado.gov	X
Aurora	Harmon	Nick		X
	Marusin	Nick		X
	Harcus	Scott		X
C. Springs	Zeitlow	Patti		X
St. Vrain	Fleck	Robert		X
Security	Heald	Roy		X
Northglenn	Stanley	Shelley	ststanley@northglenn.org	X

Town of Eagle	Wilson	Stephan		x
Westminster	Wilson	Tara		x
Fremont	Ormandy	Toby	tormandy@fsd.co	x
	Kraft	Tanner		x
	Eldridge	Tyler		x

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