



CWWUC Draft Minutes – June 10, 2020 Meeting

1. Introductions

2. Nicole Rowan (CDPHE):

a. COVID-19 Response

- i. **Masks are still available through CoWARN.** There have been some more requests since first push due to issues with supply chains but there are still some there.
- ii. **The SARS-CoV-2 RNA Research** – CDPHE is trying to stand up a state program and has put in a request for some funding for sampling to the Governor's office. 15 WWTP are involved as well as CSU and Metro State University are on board for analyzing the viral RNA. Hopefully will have more information by the next meeting if funding will be made available.
- iii. **Wes Martin from Plum Creek asked if there were openings for other utilities to get involved.** Nicole said it was possible but might impact the sampling program due to funding if made available.
- iv. South Platte Renewal Partners are about as far south that there is participation in the Denver Metro area. About 60% of the states population will be represented in the study.
- v. **JM from SACWSD** – Pointed out that Biobot is a national program and there is very little information available about the company. Nicole said that CDPHE is not involved in the Biobot study and therefore had little information about the validity of the study. This is part of the reason why CDPHE wanted to get a Colorado program set-up. Nicole indicated that the cost per sample if run through CSU is estimated to be a lot less than the \$1200 per sample required by Biobot.

- b. **State Budget** – The legislature is still in session for three more days – unsure what will happen with adjournment or pause. The state long bill is not yet completed, however there appeared to be a \$17 million dollar hole. What they are aware of is that there will be a 5% reduction for all departments from the general fund and there will be a cash sweep from the cash funds for the construction sector, water quality improvement fund, and public and private utilities cash funds. They will not be as high as anticipated but will still be significant. They are holding vacancies until they can see how things will settle before they fill 5 vacancies in the clean water program. They are looking the sweeps and budget cuts for the next fiscal year and know that the office of

state planning and budget are looking at the general fund. The clean water program have a lot in general fund – so they don't know yet what that means. There will likely be a stakeholder process next month.

- c. **National** – No news of the federal budget at this time, though it may happen.
- d. **Hot Topics** –
 - i. **HB 20-1143 – Environmental Justice and Projects and Increase in Environmental Fines:** On its way to Governor for signature. Increases the statutory max for a violation up to the EPA max of \$54,833 per day per violation. The maximum fine per day will be adjusted by the Water Quality Control Commission annually to the consumer price index for Denver/Lakewood area. Also updates to the criminal provisions.
 - ii. **HB 20-1119 - Government Authority on PFAS:** The bill has made it through House and Senate. No mention of WQCC OR the WQCD. The bill clarifies training restrictions for fire-fighting foams. Allows Solid and Hazardous Waste division to develop certification for PFAS and use of foams with PFAS at airports.
 - iii. **HB 20-218 –PFAS Cash Funding Bill:** Made it through Senate. It includes surcharge on fuel development with an annual maximum of \$8 million. Funds are to be targeted to a grant program for:
 - Sampling of PFAS,
 - Water infrastructure and emergency support,
 - A takeback program for PFAS substances,
 - Some funding of technical assistance for locating and studying PFAS substances for community stakeholders and regulatory boards and commissions - for safe disposal and regulatory standards.

Does not provide direction for funding or development of drinking water standards. There is some funding for toxicologist – however there is not funding for setting standards.

- iv. **The 2020 WOTUS Rule is set to go into effect on the 22nd of June.** The Colorado Attorney General Office are seeking a preliminary injunction. At this point they do not know if there will be a hearing. As a Plan B there is a thought to put up a dredge and fill program by filling a permitting gap that exist. State permits would be required for projects on what is considered WOTUS under the 2008 guidance to maintain environmental protection. 402 permits will still be required.

- v. **401 Certification Rule** – Was published from EPA but has not hit the federal register yet. Colorado is trying to figure out what to do as there are some concerns.
- vi. **Regulation 38 Rule Making** – There was a lot of great discussion. What is of most interest to CWWUC is here was some policy calls made on anti-degradation for use protected segments and reviewable segments for South Platte Segment 15 to retain use protection. Clear Creek – Coors had requested that the anti-degradation from reviewable to use protected which was agreed to.

3. Board Action Items

- a. Approval of invoice for payment:
 - i. **Corona Environmental Consulting** - \$1,809.18 – Approved.
- b. Approval of May minutes – Approved.

4. Discussion items

- a. **TNORM** – Comments are due on the 15th of June. South Platte Renewal Partners and Metro put together some comments.
 - i. Blair thought it would be good to have a cohesive representation on it, however there was limited time and might not be possible.
 - ii. Metro put together some comments and said they would be willing to send it out. They also had a joint call with COGA, CMA and CWUC to talk about all concerns and do some game planning. They determined that this time around for the comments that they would just focus on their sector and then possibly put together a joint letter if there is not contradicting issues. Some of the issues:
 1. Including sampling of bismuth and lead.
 2. Requiring WWTP to be registered if they accept TNORM materials above the exempt levels, even if the biosolids are below the exempt levels.
 3. Determining background levels
 4. Frequency and location of sampling
 5. Use and distribution of biosolids – no comments at this time. South Platte Renewal Partners had some questions about how the crop applications will work if there is a one-time exceedance.
 6. COGA wants the regulation just generally reorganized for fluidity sake.



As there are two rounds of comments, we can possibly get together CWWUC comments on the second round.

- b. COVID-19 data sharing and research** - Cost has gone up to \$1200 per sample from Biobot.
 - i. JM from SACWSD was curious how utilities were releasing information that they received from the study. SACWSD is likely to release to Tri County Health Department.
 - ii. Grand Junction is participating, and they are sharing the results with the county health department with note that they need to apply their own judgement.
- c. Topics and speakers for upcoming meetings**
 - i. Jim Grice on TNORM was suggested for July meeting
 - ii. Blair suggested inviting the CCWP Director to come in and give an overview for August.
- d.** There is interest in updating the logo and all suggestions will be entertained.
- e. Reg 22 Policy Workgroups** are starting again. Andra suggests that people go to the Division website to sign-up.

Next Meeting:

Wednesday, July 8, 2020 at 1:00 pm