



Draft Meeting Minutes – October 14th, 2020

1. Introductions

2. Guest speakers

a. **Lauren Berent, Associate Director of The Water Connection, Greenway**

Foundation – Lauren will provide information about the 2021 Clean River Design Challenge and ways that wastewater utilities and the CWWUC can help support the effort.

- i. They are asking for volunteer participation and funding assistance for the competitions.

b. **Nicole Rowan and Meg Parish (CDPHE) – State updates**

- i. SARS-CoV-2 wastewater sampling – We are heading into a third wave in Colorado so this information will be a key tool in the toolbox. There have been good trends established with the data. One of the challenges before now there has been low incidents of disease, which means we have a better idea of the low levels and will better see upticks.

- ii. State Budget – Hopeful based on the economic forecast that there will not be more cuts. The December forecast will fully determine that. There is going to be furloughs between now and July of next years. Dates of office closures will be sent out once they know in the coming month

- iii. Division Updates – Jennifer Opila is managing the waste management division. Ron and Nicole are the two major contacts and will pull Jen in when needed. Just continue with normal practices unless there are problems that need to be elevated to higher levels.

- iv. Stakeholder efforts 85 and 31 triennial review was yesterday, primarily on the agricultural parts of Reg. 85. The agenda for 2022 was set for 85 and 31. More information is available on the website.

1. Reg 31 in June of next calendar year. There is a meeting on Thursday for clean-up and clarifications. That subgroup will also be talking about anti degradation

2. Discharger specific subgroup on the 19th.

- v. Hot Topics



1. WOTUS – Navigable Waters Protection Rule has been stayed currently in Colorado. The stay of the rule was appealed. All of the written briefs to the 10th circuit have been received and a hearing will be Nov. 18th. A hearing on the merits is also preceding. Dialog with stakeholders has started to see what a state run dredge and fill program would look like.
2. There is an executive order on a water sub cabinet. Nicole will send it out to us. It is focused on water quantity and supply with some mention of water quality and nutrients.

vi. Meg Parish –

1. **I&I in permits:** Meg was excited about the idea of what was discussed earlier about CWWUC providing examples of robust programs. That would be very helpful for CDPHE to understand the maximum achievable. They would still like to have that and a conversation. They intend to issue I&I in permits where there are definite issues of concern, not those that are on the fence.
 - a. **How are the facilities that require I&I in the permits determined?** It is site specific and there is no single criteria. They look at per capita averages, and other factors such as very low flow numbers due to exfiltration. They do not have as set criteria that will define which systems will require an I&I study.
 - b. **I&I studies may be required for facilities below 120.** 85 is a more common per capita number due to water conservation. 85 is not a rule either.
 - c. **Mark Thomas recommended that it be a percentage of the flow rate rather than a specific number.** Such as I&I cannot be more than 10% of average daily flows, referring to Reg 22.
 - d. The 25% correction refers to the repairs planned to reduce flows below 120.
 - e. Systems that do not own the collection systems have not had I&I in permits yet, however organizations should be considering how to manage the contracts with owners of the collection system now.
2. **PFAS**– September 30th call specifically for PFAS regarding source investigation and source control. They are looking for tools that



can be provided to dischargers. There has been a lot of questions about sampling guidance.

a. Link to the Sept. 30th presentation:

<https://docs.google.com/presentation/d/18XqHqNCLv6BEgnjnLQ1kYs0V6FdRcY3qGTD0Bqmh5i0/edit?usp=sharing>

b. Michigan's sampling guidance has been recommended

https://www.michigan.gov/documents/pfasresponse/Wastewater_PFAS_Sampling_Guidance_636791_7.pdf

c. There is also a list of labs that are recommended for wastewater. <https://www.denix.osd.mil/edqw/accreditation/accreditedlabs/>

d. Please provide suggestions about resources that would be useful.

3. PFAS Passthrough Letter – John Wallace is the IP person overseeing this effort alongside Al Garcia.

4. Everyone participated in PFAS survey. A map will be put up on the web with PFAS incidents and more information will be provided in the Friday webinar.

c. Gabe Racz – Reg. 22 updates

i. The Division did publish the draft consolidated guidance with comments due Oct. 20th. It is 180 pages. There will be draft comments for the group by the COB Thursday for submittal on October 20th.

ii. Historical infrastructure – there is not a lot of comments left.

iii. Tiered Limits and Seasonal Design Capacity– there is not a consensus. Comments are likely.

iv. Water Quality Planning Targets – Metro submitted comments on the revisions from Oct 8th. Most comments were clarifications and questions. Thursday the 22nd there will be an opportunity for discussion on the comments.

d. PFAS Passthrough Letter – Jennifer Robinet: Many people did not get the passthrough letter outside of what the CWWUC provided. Big questions that were asked about passthrough, as it has a very specific definition in pretreatment regulations. They wanted to know if the definition of passthrough was to be changed based on the letter. Meg concluded that they were not trying to change the definition of passthrough. They wanted to know when people would be expected to notify or report. Information in the survey



counts, and if anything changes that would also count. There was a discussion about preparing a letter to Meg based on the conversation as it was understood regarding the definition of passthrough and confirmation that the requirement is just continued permit compliance. Passthrough by definition is passthrough of a contaminant that causes an exceedance in the permit limits. Therefore, if there is no limits for PFAS in permits there should not be permit related passthrough and cause for notification. Al Garcia clarified and said that there cannot be passthrough until it is in your permit. The letter would be to clarify that there are no intended changes to existing permits based on the letter. The draft letter was sent during the meeting. A recommendation was made to ask that the word passthrough is not used in reference to PFAS. A recommendation was made that a level was included to even understand when notification should be made. A motion was made to agree to have the CWWUC send the letter out as it is Blair. Andra seconded. No opposition.

- e. **I&I – Gabe:** Gabe believes that there should be follow-up on Eagle River and General permits that are due November 10 and 11. Motion made and approved.
- f. **Permit Builder Tool** – The Municipal League plans to raise the issue with the Permit Builder Tool.

3. Board Action Items

- a. Approval of invoices for payment:
 - i. Vranesh and Raisch – \$1,384.50 – Reg 22
 - ii. Corona Environmental –
 - i. \$80 for Quickbooks (4 months)
 - ii. \$3,692.87 Total
- b. Motion to approve from Andra Ahrens
- c. Second by Cynthia Lane
- d. No opposition
- b. Approval of September minutes
 - a. Motion to approve – Blair Corning
 - b. Andra Ahrens – Second
 - c. Approved
- c. Officer elections
 - a. Nobody else wanted to be an officer
 - b. Motion to approve to maintain the Board as it is – JM Grebenc
 - c. Second by Andra Ahrens



- d. No Opposition
- d. By-law changes – Put into officer duties that Form 990 due before February 15th, and in By-Laws also
 - a. Motion to approve – Cynthia Lane
 - b. Second – Blair Corning
 - c. No opposition - Approved
- e. 2021 Budget approval
 - a. See attached budget presentation – Andra to check on other proposals for audit.
 - b. Motion to approve – Julie Tinetti
 - c. Second – Cynthia Lane
 - d. No opposition - Approved
- f. Approval of Coordinator contract
 - a. Motion to approve – Andra Ahrens
 - b. Second – Blair Corning
 - c. No opposition - Approved

4. Discussion items

- a. **TNORM** – Metro prepared a responsive letter. Jennifer Robinette – the ramifications from the changes that they have added, which adds a requirement for POTWs to become certified handlers if they receive TNORM above background letters. Any business that has natural rads in the water and is sending it to you, you will become subject to the regulation. The businesses will also be subject to the regulation and they have not been a part of the stakeholder process. All of the discussions have been about below the exempt level, and this came up with no indication that it would. There is no question that everyone is receiving RADs about the background letter. Metro believes that the implications are too great to not respond about the lack of stakeholder involvement in the new elements of the regulation. They want to ask Jennifer Opila one more time to reconsider getting together to talk about the issues. Katie talked to Jim Grice about if pretreatment facilities would have the burden of regulating the businesses. Jim said that the businesses would have the burden, though there is concerns that they will come back and say that POTWs would have to ensure that they were not receiving the RADs above exempt levels from businesses.

Next Meeting:

TBD at 1:00 pm