



## Approved Minutes -Wednesday, July 14th, 2021

### 1. Guests

#### a. Nicole Rowan (CDPHE)– State updates

##### i. COVID-19 – Not much has changed with the return to work from the last meeting.

1. Meetings are likely to remain remote or hybrid for the foreseeable future.
2. Until the EPA says they cannot continue on, they are taking permit applications or anything that requires a signature through email.
3. The epidemiology efforts are really hoping to continue working with wastewater utilities for COVID-19 monitoring. The program may be expanded to other facilities.

##### ii. Division Updates –

1. **Staffing** – The department is still recruiting for the Water Quality Control Division Director. It is on track for hiring this summer.
2. **Reg and Policy Development** – Next roadmap meeting will be in August. They are focusing on lake nutrient criteria for rule-making in 2022.

##### a. Antidegradation –

- b. Commission did not adopt language for longevity or site-specific standards.

- c. **Temperature** – The Division plans to continue to engage with stakeholder on warming event and implementation in permits. Draft criteria should be available by the end of the calendar year.

##### iii. Hot Topics –

1. Division webinar 7/16/21 will be on billing, PFAS, and new workgroups established by the CWQF last week.
2. CDPHE is currently in litigation with Stormwater Utility Council and Mount Crested Butte.
  - a. Here is link a folder with Colorado Stormwater Council's amended complaint against the Denver MS4, WQCD's motion to dismiss, and all the attachments to that motion.



<https://drive.google.com/drive/folders/10D65SplKuLC-JyJeOhb-tDWHz8AhYDYR?usp=sharing>

- b. Mt. Crested Butte litigation on flow and NILs issue.
3. Looking to renewing small domestic facility permits under the new 590 permit.
4. The 589 small facilities (under 1 MGD) renewal will be happening and the Division would like to have more conversation and stakeholder input on that.
5. PFAS – They will be looking at all large WWTP (over 5 MGD) that discharge to a drinking water supply. All who will receive a duty to provide letter will receive prior communication with the Division.
  - a. They are looking at monthly monitoring and reporting on PFAS in the effluent for two years.
  - b. The duty to provide information letter may be going out to smaller WWTPs (under 5 MGD), in particular those with airports or landfill leachate.
  - c. PFAS source identification report (after two years of monitoring)– the purpose is to identify the large sources of PFAS. Often there is only a small handful of sources that are contributing PFAS. The FACT sheet provides information, however if it is felt that more details are needed in that, the Division can do that in the response to comments.
6. New sub-committees for permit webinars:
  - i. Development of guidance around alternatives analysis for antidegradation. More specific guidance on economic impact and alternatives.
  - ii. Development of a memo around the implementation of implicit non-impact limits (NILs).
  - iii. Q&A session around chemical evaluations.
  - iv. There is a sign-up form is available [google form](#) on [the quarterly webinars website](#)
7. Improvements to TAC for 10-Year Road Map
  - i. Temp workgroup will focus on –



1. Water Quality Policy 23 for temp in permits (implementation of temperature in permits) to make it consistent with Reg 31.
  2. Warming events
  3. Other issues that folks have related to temperature.
- ii. TACs –
1. Intended to be a smaller group for science experts.
  2. There have been concerns on transparency and that there are only quarterly meetings which delays information. In response to this the Division will allow anyone that wants to attend can for the first 30 minutes to hear read out from the previous meeting. After 30 minutes, non-TAC members would leave.
- b. Alan Searcy (Colorado Stormwater Council) –** for details CWWUC members may request recording of meeting.
- c. Ashley Ficke (GEI) –** Update on Temperature TAC
- i. The meat of the meeting recently held was on the Johnny Darter study conducted by Carli Baum and Dana Winkelman.
    1. Study included six different treatments.
    2. 12 degree Celsius with 60, 90, 120 day winter (12 degrees/90 d reflects MWAT/winter chronic temperature standard)
    3. 4 degree Celsius for 60, 90, 120 day winter (4 degrees/90 d expected temp before human impacts).
  - ii. Methods and Results:
    1. Egg checked every day. Eggs moved to incubators and treated for pathogens. Daily check of incubators for larvae
    2. Interest in isolating impact of temperature on egg and larval production
    3. Metrics – # eggs produced, # live larvae, timing of spawning, time to hatch eggs.
    4. No significant difference between 12 degree and 4 degree in terms of # of eggs or live larva.
    5. Slightly longer to hatch at 4 degree C.



6. The colder winter fish would wait until temps hit 15 degree C to spawn. They would spawn later than 12 degree C. The fish with the shortest winter at 12 degree spawned sooner (as early as February).
  7. Fish held at 12 degrees for 60 days started spawning in February and then quit for six weeks for reasons unknown.
- iii. What is known - Current regulations are adequate for production of eggs and larva.
  - iv. What is not known – don't know if early spawn fish survive as well due to timing of other environmental factors and the existence of lower water temperatures. Potential issues include availability of food for newly-hatched fish, nest abandonment or reduced survival of males forced to guard nests for extended periods, consequences of longer hatch times or slower growth of larvae (i.e., a longer time spent in a vulnerable life stage). This study answered questions about the role of temperature on Johnny Darter reproductive success. However, complex interactions of environmental factors cannot be replicated in the lab.
  - v. Population density and timing of spawn are being studied in the field now – some preliminary data are available.
- d. Gabe Racz – Updates and discussion**
- i. PFAS monitoring in domestic permits and potential WWUC comment
    1. Three draft permits with a deadline:
      - a. Metro
      - b. South Platte Renew
      - c. Broomfield
    2. It is important for the Council to review the conditions in these draft permits as the conditions are likely to go into all other permits.
    3. Includes monthly monitoring/reporting for all PFAS compounds in the policy.
    4. Something to consider is practicality of cost and frequency of sampling.
    5. Some issues with getting the sampling done is that protocols are different than other sampling, the number of blanks should be considered in cost, and labs are likely to not have fast turnaround as more are required to do this.
    6. Source identification report is broader than what is described in the FACT sheet. Identifying every source of PFAS could be very expensive.



7. Overall – because this will be in a lot of domestic permits if there are concerns comments should be developed as a way to get ahead of what will be coming in other individual permits.
8. Concerns about this being included in permits and that there are no standards that can be taken to industries.
9. Estimated costs per sample, not including manhours, is around. \$1,500.
10. Sample turn around is taking around a month or longer.
11. Anyone who wants to comment as a part of the Council should contact Shonnie.
12. Comments due on permits August 9<sup>th</sup>.
13. Comments will be prepared by Council (no members were opposed) and sent around to members for review.
  - a. Members approved Gabe preparing comments.

## **2. Board Action Items**

- a. Approval of invoices for payment (members approved):
  - i. Vranesh & Raisch: \$704.50
  - ii. Corona: \$2,554.15
- b. Approval of June minutes (members approved)

## **3. Discussion Items**

- a. Overview of Member Forum and Job Posting on website: Instructions for how to login and use will be sent out to members.
- b. Chemical availability: Chlorine, polymers, lactic and acetic acid have all been difficult to get.
- c. Water Quality Forum Retreat:
  - i. Aluminum TAC has been formed after substantial debate at the Forum.
  - ii. Discussion on what is a WQF workgroup vs. a Division led workgroup. A point was made that the Forum was put in place to assist the Division and given that fact that Division is short on resources it does not make sense that help is not be accepted when offered. Also, there is a sense that the WQF is not being used as it previously had been as a collaborative way of working with the Division and regulated entities. A point that the regulated community needs to have the opportunity to have more say in policy and regulation which is why the Aluminum TAC is being pushed for.
- d. Update on CWWUC Membership – two members have not paid. All others are in good standing.



- e. August meeting may be hybrid, with in person at South Platte Renew.
- f. Employee Traffic Reduction Program is a regulation that applies to over 100 employee offices wherein there has to be a reduction of single occupancy trips by 25% in the next four years. Potential for high-cost burden due to the reporting and planning needed to meet the requirement. More information:

[CDPHE ETRP Website](#)

[APCD – Reg 22 Language](#)

Next Meeting:            Wednesday, August 11, 2021 at 1:00 pm