



# Approved Meeting Minutes

Wednesday, November 10th, 2021

## 1. Guests

- a. **Meg Parish and Amy Konowal (CDPHE)** – State updates, NILs, EPA PFAS Action plans, and Permits Policy Workgroup.
  - i. **Hiring of new Clean Water Administrator** – Have gone through the interview process. There may be an announcement next month.
  - ii. **Sufficiently Sensitive Requirements in permits** – See state responses below.
  - iii. **NILs** – There is an implicit NILs workgroup meeting on Nov. 10<sup>th</sup> at 3 pm. There is a draft memo and people have been marking it up.
  - iv. **Temperature Workgroup** – Will be starting in January. There is a sign-up on the Water Quality Forum website. It is Jan 25, 2022 at 9 am.
    - 1 <https://us14.list-manage.com/subscribe?u=2c03549eca6d4b849c47930d6&id=07e7fa9caa>
  - v. **PFAS Action Plan** – A broad plan released by EPA. Is available at this site: <https://www.epa.gov/pfas/pfas-strategic-roadmap-epas-commitments-action-2021-2024>
    - 1 **PFAS Roadmap** - [https://www.epa.gov/system/files/documents/2021-10/pfas-roadmap\\_final-508.pdf](https://www.epa.gov/system/files/documents/2021-10/pfas-roadmap_final-508.pdf)
    - 2 Colorado is focusing on source control and treatment for PFAS – see page 14 of the EPA PFAS Roadmap for the most information pertaining to wastewater treatment plants.
  - vi. **CDPHE is developing a grant program for PFAS** - <https://dphe.colorado.gov/pfas-projects>
  - vii. **Public Notice** is delayed due to Veterans Day: Aurora Reclaim Water and Suncor Refinery going to public notice on Nov. 12<sup>th</sup>.
  - viii. **Determination on PFAS in permits that have already gone to public notice will be issued at the end of November.** Effective date will be January 1, 2022.
  - ix. **Chemical Evaluation discussion** on November 17<sup>th</sup> at 12:30-2:30
    - 1 [https://www.google.com/url?q=https://docs.google.com/forms/d/e/1FAIpQLSeHiGb-m2VeJnAHCj2v\\_yC1TEQ6hsu-Ty4aPEq8j1rKMifLSA/viewform?usp%3Dsf\\_link&sa=D&source=calendar&ust=1636790959935426&usg=AOvVaw3sH-JcM3HSYXdHpdRhQ4oO](https://www.google.com/url?q=https://docs.google.com/forms/d/e/1FAIpQLSeHiGb-m2VeJnAHCj2v_yC1TEQ6hsu-Ty4aPEq8j1rKMifLSA/viewform?usp%3Dsf_link&sa=D&source=calendar&ust=1636790959935426&usg=AOvVaw3sH-JcM3HSYXdHpdRhQ4oO)

- x. **Water Quality Roadmap meeting** on November 18<sup>th</sup> from 1-4 pm. Will have a guest speaker from EPA nutrient treatment lifecycle analysis and an update from the lake nutrients TAC, rulemaking is November 2022. Will talk about proposed changes to Voluntary Incentives Program which will have a rule making hearing in November 2022.

- 1 <https://cdphe.colorado.gov/water-quality-10-year-roadmap>

- b. **Gabe Racz** – Updates and discussion

- i. **NILs** – sent comments as a memo

- 1 **There are some disagreements about basics about implicit non-impact limits.**

- a **Implicit non-impact limits**– The way the Division determines that whether a renewal permit will have increased water quality impacts when a permit did not previously have limits.

- i Many segments of the state became subject to antidegradation with a baseline in the year 2000.

- ii There is a desire to follow procedural guidance issued in 2001, which was intended to be more flexible than it is being applied today.

- iii There will be an opportunity for public comments on a Division memo sometime in December with the intention to finalize the memo in the spring.

- 2 **Chemical Evaluations discussion** – the goal to have evaluation of chemicals, especially for small facilities, to have the burden and time reduced. Gabe will put together a summary of the meeting.

- 3 **Final permits for facilities (South Platte Renewal, Broomfield, Metro) with PFAS conditions due out Nov. 30<sup>th</sup>.** Those facilities need to decide if a delayed effective date will help.

- 4 **The Commission announced that a petition was filed by some environmental groups to review anti-degradation designation for Upper South Platte Segment 15, Middle South Platte Segment 1-a, and Clear Creek Segment 15.** First petition of this nature in 20 years.

- 2. **Board Action Items**

- a. Approval of invoices for payment

- i. **Corona** – \$1,901.88 - Approved

- ii. **Vranesh & Raisch** - \$2,474.50 - Approved

- b. Approval of October minutes - **Approved**

### 3. Discussion Items

- a. **Coordinator search update** – Amy Conklin was offered a contract and will start in January.
- b. **Discussion on responses from CDPHE on PQL and Sufficiently Sensitive Requirements in Permits** – If you are interested in being a part of a group that will talk to the Division on this matter, please contact Shonnie or Blair.

Next Meeting: Wednesday, December 8th, 2021 at 1:00 pm

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## State responses to questions regarding PQL Policy and Sufficiently Sensitive Requirements in Permits

### PQL Policy

- When is it appropriate to use the PQL robust instead of the PQL minimum when determining if a test method is Sufficiently Sensitive?

If a PQL robust method produces a valid positive test result or informs decision making (e.g. AWQC is greater than or equal to ML), the PQL robust method would be considered sufficiently sensitive. "Where the PQL associated with a robust method cannot detect the pollutant of concern at the required level, the analytical method chosen must achieve a PQL at or less than the PQL Minimum. Where the regulated entity can demonstrate with appropriate quality assurance that their laboratory can achieve the PQL Minimum using another method, which could be a robust method, the use of such method is acceptable." p. 18 of CWP-6 (emphasis added)

### Sufficiently Sensitive Requirements in Permits

- Is the requirement to use Sufficiently Sensitive test methods only applicable to the limits set (i.e. Limit Set 001A and 300A) in permits or is it also applicable to all Table II and V parameters?

The requirement to use sufficiently sensitive test methods is applicable to all information required or requested by the division, including in permit applications. See Regulation 61.4(1)(k)(x) and 61.8(4)(i).

- If an ML for a method meets the definition of Sufficiently Sensitive but then the sample is diluted due to the complex nature of the matrix to the point where the ML is no longer low enough to meet the definition of Sufficiently Sensitive, is the sample still considered Sufficiently Sensitive?

It depends. If the sample yields a valid, positive result or the result is adequate to inform decision making, then it would be considered sufficiently sensitive. If the sample result is a non-detect and the detection limit is above the AWQC, the permittee would have to use the most sensitive method for analysis.

- What is recommended for parameters that have an EPA approved method with an MDL that does not meet the definition of Sufficiently Sensitive per the CW-6 PQL Policy definition? For example, for 4,4' DDT, EPA Approved Method 608.3 has an MDL of 0.012 ug/L but the 1/2 Water Quality Standard is 0.00011 ug/L. The 1/2 Water Quality Standard is used as the AWQC to determine if the method is Sufficiently Sensitive per CW-

6 PQL Policy. The Water Quality Standard used in this example is the standard for human health consumption (lowest of the water quality standards).

In this case, the permittee would need to ensure that the most sensitive test method is being used and followed for 4,4' DDT, assuming that you are getting non-detects. This situation does not meet the definition of sufficiently sensitive test method at CWP-6 10.ii, because the AWQC is less than the MDL/ML. Therefore, the most sensitive test method would have to be used and followed to be considered sufficiently sensitive (see definition at 10.iii).

- How will the Division handle permit renewal applications where only a portion of the data was analyzed with Sufficiently Sensitive Methods?

The division will review all data and may exclude data that is not sufficiently sensitive if the inclusion of that data would lead to an improper determination of effluent limitations. See Reg 61 SBP at 61.72.B for more information.