



# Approved Meeting Minutes

Wednesday, May 12th, 2021

## 1. Guests

a. **Nicole Rowan, Aimee Konowal and Blake Beyea (CDPHE)** – State updates and Reg. 31 updates and discussion

i. **COVID** – Not much new on the COVID19 front. Working on post COVID plans. Physical footprint on the campus will be smaller. Plans will be finalized over the summer. Reg. 31 rulemaking will be all remote. There will be a hybrid approach that will be used later in the summer. Trying out new technology in the Sabin Room which will be used for other hybrid meetings going forward. They are no longer tenants of the C Building and will not have the space for meetings that they had in the past. Working closely with CDC to keep the COVID sampling continuing on. Current funding expires at the end of July.

ii. **State Budget** – The long bill was passed. There were not the same cuts as experienced in the last legislative session.

### iii. **Division Updates** –

1. **Staffing updates** – Shawn McGrath is the new Director of Environmental Health and Protection. Came from Montana Environmental Health and Quality, also had been over Region 8 EPA Obama administration and also the Mayor of Boulder. They are going to try to set up a time for him to meet the CWWUC.

#### a. **New positions.**

- i. Shaun McGrath - Environmental Health and Protection Director
- ii. Trisha Oeth - Director of Environmental Policy and Interim Water Quality Control Division Director
- iii. Jeremy Neustifter - Interim Director of Environmental Boards and Commissions
- iv. Jennifer Opila's last day as Water Quality Control Division Director was 5/14/2021 - she will go back to being full time Division Director for the



Hazardous Materials and Waste Management Division.

- b. **The Water Quality Road Map** – Any feasibility or treatment technology information that might help the larger community is welcome. Next meeting is tomorrow afternoon for the Water Quality Roadmap Meeting. The TAC for Nutrients will be on the agenda. 1-3:30 pm. Information for meeting is on the website. If you have any changes for the Road Map you can bring it up tomorrow or at the Water Quality Forum retreat. No changes are made to the roadmap until the fall.
- c. **Reg 31.** In the middle of the rule making for the statewide surface water standards. Have received responsive pre-hearing statements. 30 were received.
  - i. Four major topics rising to the top with outstanding issues:
    1. Anti-degradation
    2. Proposed changes to temporary modifications
    3. Discharger specific variances
    4. Longevity plans
- d. **Anti-degradation** - making changing to the discretionary test. There has been a lot of attention to the change in this provision. The proposal was designed to make it more in alignment with state statute. There was a meeting on May 5<sup>th</sup> where people brought issues to the table. Options under consideration.
  - i. Adopt proposal as put forward originally.
  - ii. A deletion of the anti-degradation test. There are different ways to petitions to the Commission to get three different levels of anti-degradation designation: outstanding waters, reviewable waters, and use protected. Most of the waters are determined to be reviewable or to be use protected based on the 12<sup>th</sup> parameter test. This



- is an additional test that has not be used in Colorado.
- iii. Additional modifications.
  - iv. No change.
- e. They are expecting a lengthy [rebuttal](#) to this, which will be available on May 13<sup>th</sup>. They are still working on recommended approach and possibly additional considerations.
  - f. They are going to have a meeting scheduled after the rebuttals come out on May 24<sup>th</sup> from 12 – 2 pm. Email Amy, Blake or Nicole to get that information.
  - g. **Longevity Plans** – Meeting was on May 6<sup>th</sup> to discuss outstanding issues. A lot of feedback on this topic. There are some outstanding issues. They were intending to have longevity plans for new site-specific standards. Trying to figure out how to prioritize the over 300 existing site-specific standards.
  - h. **Temporary Modifications (TM) and Discharger Specific Variance (DSV) provisions** – Great recommendations already received. Their goal has been to make TM more defensible. They have seen an overall improvement to the materials. Comments received included “how do you determine non-compliance and non-attainment of standards?” They are proposing to go to a every other year model for TM and are considering how to set hard and soft caps. DSV are fairly newish tool. Their proposal is to consolidate provisions some of the sections in 31 to align with Federal standards. They have nine DSVs on the books right now. The changes all reflect what has happened with DSVs in the last few years.
  - i. Prehearing conference is on May 18<sup>th</sup> at 3 pm. Negotiations cut-off is on the 27<sup>th</sup>. Rule Making Hearing on June 14<sup>th</sup>.
- iv. **Hot Topics** – Meg to attend the June meeting for PFAS and Chemical Approval Forms.



1. Wes – many people having a hard time getting polymers right now and there is an expectation that it will get worse.

**b. Dawn Cowell – Update from RMWEA**

- i. RMWEA along with Rocky Mountain Water Quality Analyst Association will have an Instrument Roundtable June 17<sup>th</sup> from 2:30 – 3:30 pm on pH instrumentation, stirrers, etc. Vendors coming to talk about how they work.
- ii. **Operations Challenge** is sending four teams to WEFTEC. Registration was May 10<sup>th</sup>. There were three team applications received.
- iii. **Fundamentals School** – June 7<sup>th</sup> – 11<sup>th</sup> In Loveland (Intermediate to advanced) \ July 12-16<sup>th</sup> in Leadville.
  1. Can hold 50 people. Three tracts. They are looking for volunteers to help plan the tracts. It is \$400 for the school for the week.
  2. Annual conference Sept 14 -17. Looking for a volunteer to help with communications.
  3. YP is holding a spring clean-up in Belleview Park in Englewood on May 15th.

**c. Gabe Racz – Updates and discussion**

- i. Finding alternative ways of approving chemicals = is there a way of providing approval that is not on a facility-to-facility expense.
- ii. I&I – is there more work that is needed on that
- iii. Anti-degradation. Why is it being used to clamp down rather than just protect. Where the agency has discretion ask them to use that to pursue priorities.
- iv. Possibly try to put something together to meet with the new Director.
- v. There is concern about getting supplies due to supply shortage, fuel and shipping.

**2. Board Action Items**

- a. Approval of invoices for payment
  - i. Corona Environmental Consulting = \$2,247.50
    1. Approved
- b. Approval of April minutes
  - i. Approved with change to 4 teams, not people, able to go to WEFTEC for Operations Challenge.

**3. Discussion Items**

