



Date: CWWUC Minutes - Wednesday, July 10, 2019

1. Introductions

2. Guest speakers

- Nicole Rowan and Meg Parish - WQCD update
 - Staffing:
 - Nicole provided hand out showing existing staff positions and vacant positions – normal level of vacancies
 - Budget and fee bill
 - Feels like division is in good position with the budget
 - Fee bill intends to fill reserves and then spend it
 - Didn't get any written comments to the fee bill report and no substantive comments in presentations
 - Upcoming Work Plan year – starting in Oct:
 - CWA program is heavily involved in Denver OCCT
 - Committed to implementing the 10-year road map
 - Helps understand priorities and internally in the planning process
 - And criteria for the 2020 timeframe
 - PFAS plan – hazardous waste group will be involved in regulatory development. Division wants to look at all these areas: drinking water, biosolids, disposal issues
 - Wants Commission to develop - Toxic narrative for basic standards for surface water and ground water – with hope that this will drive clean ups
 - Proposed work group with WQF for this for next year
 - New management in Division – will work on internal team building and process as they implement mission
 - Look at next implementation of fee bill



- Goal from new administration – pushing PFAS policy – improving outreach efforts in different ways
- Reg and policy development:
 - June 2019 - Colorado Basin Rulemaking in GJ
 - Since road map looking at minor changes
 - Addressing temperature across the state and S. Platte Basin with site specific issues
 - Next Road Map meeting is August 22 in Grand Junction
 - Reg 84 RM is scheduled for OCT.
 - Reg 22 – working on having proposal with new draft language for August
 - December 2020 temp mod hearing
 - Arsenic is the big issue
 - State Wide temp mods for arsenic
 - Working with EPA to resolve uncertainty
 - Regulated community should identify sources of arsenic
 - Josie Nusz is your best contact for questions
 - Cadmium
 - warm water standard is more stringent
 - cold water with trout is less stringent
 - Intent to adopt a standard in Reg 31 and open all basins at same time to adopt standards in December
 - VIP – up to 70 so participants
- Permitting and enforcement topics:
 - Issued the MS4 general permit for public entities
 - Consistent with phase II MS4 issued 2 years ago
 - Issued Denver phase I MS4
 - Comments on both close in mid-august
 - Dewatering general permit – in stakeholder process
 - Have 4 general permits that will be renewing in the next year
 - Draft will be Public noticed soon
 - They will be different than they are right now
 - Margo Griffin – has slideshow to show how they changed – and she is one to contact for details



- Upper and lower Colorado basin with next year
 - Meg wants to increase transparency
 - Will put out draft to show what division will consider if you want permit to be renewed in a higher priority.
- Hot topics, legislative issues:
 - Leg. session is not as intense for water as it has been – air was slammed
 - H.R. 1764 – introduced in middle of march and hasn't gone anywhere – would extend permit term to 10 years
 - Senate has passed a bill – going to House - requiring EPA to do PFAS MCLs within next 2 years
 - WOTUS rule – Colorado submitted comments on rule. Should be finalized by end of year. This could have a huge impact if lots of WOTUS goes away
 - 401 certifications – Draft guidance document requiring EPA to take certain actions. The division has been commenting with other states.
 - Major concern is amount of time to complete the 401 certification
 - Ground water hydrologically connected to surface water – have signed on to an amicus brief with an ACWA committee
 - If Maui case comes out as being not supportive of hydrologically connected, that will cause more work for SB-181 implementing agencies to add in the aquatic life standards

3. Board Action Items

- a. Approval of Meeting Minutes
 - Motion to approve June minutes – seconded – all in favor – motion carries
- b. Approval of Invoices for Payment
 - Vranesh and Raisch – approximately - \$1,151 for Reg. 22
 - Invoice wasn't sent out, but Andra reviewed it and no one wants to see it
 - Blair motioned to pay – Wes seconded – all in favor – no denials – motion carries

4. [Not on agenda - Paul's Party]

- Got him a plaque and card
- Paul couldn't attend his party today because his wife had surgery.
- Invoices
 - Shonnie needs to figure out when members last paid
 - She wants to be transparent about invoicing and collection of dues – it is a discretionary line item in members' budgets



- Questioning whether some members were billed quarterly
- No one was billed for 2019 - Will invoice everyone in 2019 for 2019 - Just trying to figure out how to do this
- Trying to get all billing out on an annual basis.
- Andra mentioned that she needs to figure out who had been invoiced and in which quarter, and doesn't have addresses for everyone
- Julie said that she hasn't received everything from Paul yet
- Also trying to get access to Quick Books
 - It's \$20ish per month, but allows other people to use and manage
 - Julie motioned to spend \$250/year for Quick Book expense; Andra seconded; All in favor; motion carried

5. Discussion items

- a. Permit Builder Tool (PBT) discussion
 - Julie explained the PBT and how it's helpful so permittees understand how division calculates permit limits. Permittees were allowed to get PBT up until a few years ago. Now permittees can't see macros, etc., and permittees have to sign a NDA. That frustrates permittees because they are under time constraints and have to negotiate NDA but believe the info is public/subject to Open Records Act.
 - Bonnie – endorses having availability of functional PBT, and has a limited amount of time to understand how permits were developed. She believes that it is public information and that should get access to it.
 - Meg: Division's position hasn't changed and the division believes that it is not covered under CORA. Instead it is a custom made technical document where the macros are proprietary and are complex.
 - Meg:
 - Mentioned XTO and said that it was a nightmare to work through the different PBTs
 - The Division has a NDA to get the non-protected PBT
 - If a permittee is uncomfortable with a NDA, it can get protected version, where the permittee can still see formula but can't change the PBTs
 - Division considers the PBTs to be protected as deliberative process under CORA.
 - Gabe:



- Mentioned that the deliberative process is a very limited exclusion from CORA
 - Strongest with elected positions and those communications as opposed to decisions on a permit
 - Wants to explore whether assertion of Deliberative process is helpful
 - Problems with the NDA form. It was negotiated with one entity. Indemnification is not applicable with public entities, and public entities cannot sign this.
 - Might be better to identify the PBT that is actually used rather than the locked version
- Meg: the locked version satisfies the division's requirements under CORA
 - Permittees can get equations and data, but doesn't have access to the macros, etc.
 - The division could provide the protected PBT at the same time as the draft permit, especially if time is at issue.
 - She wants to know whether the permittees rely on PBTs instead of the Water Quality Assessment with the permit, because she is willing to do this if it useful to dischargers
 - Division has a lot of difficulty tracking different versions of the PBT.
 - The formulas are locked
 - CWWUC Members mentioned that the permittees are not trying to change formulas but identify if there are errors. Can't copy formula and place in own spreadsheet. Makes it manual anyway. It is a serious problem to look at all the data.
 - Meg acknowledges that it is a concern, but doesn't want unprotected PBT floating around because it causes the division a lot of work to figure out the new version
 - Nicole wants to know if the datasheets/text file of the data would help? Permittees could put in own spreadsheet and run at 85% data
 - Bonnie mentioned that she wants more transparency because has found errors in the equations before
 - Meg offered that if the locked PBT is helpful, then willing to look at and provide it.
 - Katie asked if this is something that can be talked about at a WQF with more stakeholders – maybe at the bimonthly meetings or webinars.



- Julie will send out question to members of whether locked version will help
- Meg will look for locked version to send out to members with the request
- b. TENORM stakeholder meeting update
 - Last meeting was only a few hours
 - At the meeting Department mentioned:
 - It wants to allow beneficial reuse. It thinks the dose limit will be based on exceeding 100 mg to a member of the public. Not sure how it will be implemented: at source or a site specific study.
 - If the facility doesn't accept TENORM, then likely to not have levels of TENORM that exceed limits. Might be an exception up to that level.
- c. Optimal Corrosion Control workgroup update and CWWUC letter
 - Julie passed around letter that council supports the variance
 - Nicole mentioned that Denver is posting the draft version of the variance on this day on its website. Trying to wrap up SH process as required by MOA. Has one or two large SH meetings left. Has consensus on mass balance calculation but don't have consensus when it comes to costs.
 - Draft of whitepaper is going out to SHs later that day
 - Source control groups in OCCT are looking at fertilizers. Many states have banned turf fertilizers with phosphorus. National brands don't have phosphorus, but regional brands do. Might want a requirement to provide signage on bags. Meg wants this to be bigger than the OCCT process
 - Blair read the CWWUC support of OCCT Variance letter aloud
 - CWWUC members discussion as to language regarding: "deemed to be as protective to public health as the OCCT options" and suggestions for comments.
 - Members agreed to add the word "approved" to OCCT options.
 - Motion: To approve the letter with the suggested modification as amended. Seconded. Approved. All in favor. Motion carried.
- d. Operator Certification Board Update
 - Portal is working better. Need to use Chrome as website.
 - Stay off portal if don't need to renew now
 - New requirement for regulation training
 - Part of Reg 100 has a sunset provision. CWWUC to send out email about this.
 - comments are due in October.
 - Should be able to go into system now to take exams -



- Moving to the new system has affected those that can't get the new test and raise
- Wes: use Chrome. Don't try to create another account (will mess up account). Test is through PSI. PSI will add testing locations if the testing sites fill up. Once site is fully functional to meet, all certifications will be automatically entered and just need to claim to use. If have any issues call the administrators: Vanessa and Larissa.
- \$50 to apply for an exam – good for 180 days
- Use a personal email – so can continue to get access to sites
- Can renew ahead of time

6. Open Discussion – members only

- **NO discussion** -

Next Meeting: Wednesday, August 14, 2019 at 1:00 pm
South Platte Water Renewal Partners
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Englewood, CO 80110