



Meeting Minutes

Wednesday, July 13th, 2022

Attendees:

Blair Corning – South Platte Renew	Annie Noble – Longmont
Julie Tinetti – Centennial	Jessica DiToro - LRE Water for BHCCSD
Gabe Racz – Vranesh and Raisch	Wes Martin – PCWA
Mark Thomas - NFRWQPA	Al Garcia – EPA
Mary Paterniti - Longmont	Kelly Cline - Westminster
Nathan Moore - CDPHE	Barb Biggs - Roxborough
Jim Kendrick – Tri Lakes	Dawn Cowell - Broomfield
Jim Dorsch – Metro	Joe Kunovic - Greeley
Brandon Bernard - Security	Kevin Greer – HDR - Westminster
Cole Sigmon – Boulder	Jeremy Woolf - Greeley
Mike Morgan – Widefield	Tanner Kraft - Westminster
Brandon Bernard – Security	Patti Zietlow – Colorado Springs
Annie Berleman – Colorado Springs	Jason Kruckeberg - Silverthorne
Nick Harmon – Aurora	Chathy Shugarts – Westminster
Robert Fleck – St. Vrain	Rob Ringle – Eagle
Bethany Green – Aurora	Bryan Burks – Mount Crested Butte
Tyler Eldridge – Greeley	Mike Smith - BHFS
Meghan Wilson – Boulder	Sam Calkins - Centennial
Jesse Schlam – Fort Collins	Kathryne Marko – Fort Collins
Andra Ahrens – Pueblo	Mike Fabbre – Mount Crested Butte
John Handzo – Aurora	Sherry Scaggiari - Aurora
John Gage – Longmont	Amy Conklin – CWWUC Coordinator
Tara Wilson – Westminster	

Amy got the virtual meeting started and Blair welcomed everyone. Here is a link to the meeting recording:

<https://www.dropbox.com/s/im3j5lr1bn2b7ee/video1140638054.mp4?dl=0>

Blair reviewed the agenda. Blair noted that he'll have to leave for a little bit of the meeting and Julie would take over for the time he was gone.

Al Garcia, EPA – PFAS Roadmap – Al polled the group about what topics the council wanted him to cover. The slides from his presentation will be sent out with the minutes. He went over the PFAS Road Map and EPA work on Research, Restrictions and Remediation. There are tools that are being developed. Eventually there will be stream standards. They have been looking at the NPDES permits. CO is doing well and in line with national activities. There is a difference between industrial, domestic and pretreatment in PFAs regulation. They are trying to close gaps with analytical methods. They are developing a screening method. They're looking at the impact of PFAs on Fish tissue. He hasn't been looking at biosolids but a risk assessment is being conducted. There is information on

biosolids on EPA website. Nathan reported that the biosolids stakeholders meeting was recorded and include a presentation from EPA.

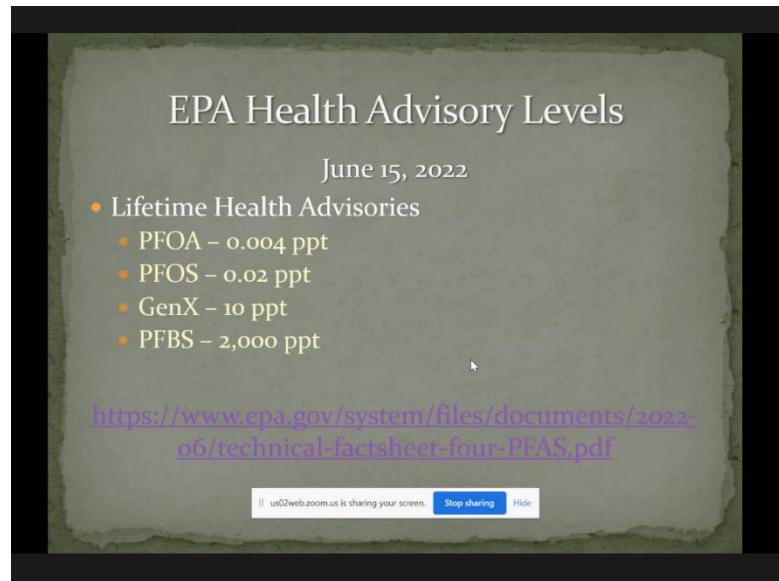
EPA is beginning to develop tools including a PFAS screening analytical method. The Adsorbable Organic Fluorine (AOF) screening method is intended to be a cost effective way to screen for PFAS. There is a link to the method in the slides: <https://www.epa.gov/cwa-methods/cwa-analytical-methods-and-polyfluorinated-alkyl-substances-pfas>. AI also talked about PFAS Method 1633, a method to detect PFAS in aqueous, solid, biosolid and tissues.

https://www.epa.gov/system/files/documents/2021-09/method_1633_draft_aug-2021.pdf. Aquatic Life Criteria has been established and is out for comment. There are both Chronic and acute criteria. A draft PFAS 1633 method will be finalized by summer 2023.

AI also talked about some of the technology based tools included in ELG Plan 15 which provides guidance for Manufacturers and Formulators/Processors. Manufacturers make PFAS; Formulators process raw PFAS feedstock into commercial products. Manufacturers have been identified but the formulators/processors are much more numerous. He also talked about the Metal Finishing Rule which includes guidance on PFAS because they are used for mist fume suppression to control air emissions. There will be a proposed metal finishing rule in summer 2025.

He went over sources of PFAS and PFOS and he expects the list to grow. EPA drafted a memo to address PFAS discharges in EPA-Issued NPDES permits. It includes effluent monitoring and BMPs. The memo looked into firefighting foams and the issues for stormwater pollution. PFAS firefighting foam alternatives are being tried. There are also pretreatment activities where EPA is the control authority. Pretreatment activities include BMPs, pollution prevention, and quarterly monitoring.

AI presented EPA health advisory levels. They are very low levels, essentially non detectable. They were developed using the best technology available. New drinking water limits may be coming out in a few months. He commented that EPA is in support of CDPHE Policy 20-1 concerning PFAS.



In response to questions, Nathan clarified some permits contain limits based on EPA earlier health advisory. For Publicly Owned Treatment Works (POTWs) their permits generally require only monitoring but for some other dischargers, their permits contain PFAS limits.

Julie asked about the applicability of EPA's risk assessment for biosolids to CO. AI hopes that the people on the task force are aware of the circumstances unique to CO. AI responded that the standards will be open for comments and that would be a great place to comment. Nathan responded to questions about inclusion of the 25 compounds in Method 533 versus inclusion of the 40 compounds in Method 1633 later. Gabe asked about the screening method finalizing and costs. AI responded that the AOF is designed to try to reduce the costs for screening. Nathan added that there are three labs in the country that are running the PFAS screening method and more labs are beginning to use the PFAS screening method.

Kathryne Marko, Fort Collins – Chemical Evaluation Forms – Kathryne began by reporting that she found the process challenging when she was with the City of Longmont. She is now with Fort Collins. She's happy to share what she learned. She's prepared some information for the Colorado Monitoring Framework (CMF) and will summarize it here. She talked about the permitting process and that it designates who has responsibility for the form submission for each chemical; the permittee assumes responsibility or WQCD assumes responsibility. Gabe added that there's no basis to deny compliance schedules when forms aren't submitted under the regulations.

There needs to be coordination during the engineering process for meeting nutrient removal. A permit modification may be required to get the Water Quality Planning stage of the process. Preliminary design approval is where a lot of the planning is reviewed. But there must be Water Quality Planning before Final Design approval.

She shared the WQCD website where there is a lot of good information.

<https://cdphe.colorado.gov/clean-water-program/clean-water-permits/for-permittees/chemical-evaluations-and-discharge-permits>

There are still confusion points around toxicity information; effluent limits for individual constituents; permitting and engineering coordination and options; permit modifications and compliance schedules. Her next few slides were specific questions regarding the points of confusion.

She has developed a list of recommendations to help work through the process. Of note is that the Permits Section can only provide clarifications –

Recommendations

- Review compliance schedule for timing conflicts
- Review individual constituents or breakdown products
- Consider previous approvals and current monitoring requirements
- Check stream standards, NILs^{antideg} review, and proprietary information for potential new requirements
- Evaluate toxicity options
- Develop timeline (12/18 months?)
- Engage with Engineering and Permits Sections
 - Permits Section can only provide clarifications – not decisions. Can be helpful particularly for situation specific concerns.

NOT decisions. It can be helpful particularly for situation specific concerns. Her experience is that it takes about 12-18 months to work through the process.

She hopes that CWWUC and CMF can work together to streamline the process. Gabe added that the alternatives draft analysis for antidegradation doesn't recognize that effluents may change based on changes to treatment. There needs to be a clear pathway for changes that improve treatment. The question is if the process is leading to better water quality outcomes. It is currently slowing down improvements. The process is unnecessarily taking up a lot of staff time for permittees and the WQCD. Cole added that it can be really hard for administratively approved permit extensions. They may also have trouble meeting the VIP, Policy 17, nutrient removal process, because of the delays with chemical evaluation forms.

Kathryne thinks that moving forward it would be helpful for CWWUC and CMF to continue collaborating. She's not sure she'll be able to continue to provide the coordination effort she has enjoyed in the past. There may be an easier way to help facilitate collaboration. Maybe there could be a poll of options to handle some of the issues. Maybe the issue could be added to future CWWUC agendas. **Amy** can look into if slack could work to facilitate conversations. **Kathryne** will send her presentation to Nathan. He noted that there is a shared goal of protecting water quality. The devil is in the details. There is also a permit backlog. Better communication between the regulated and regulators is a good start. Nathan shared the answers CDPHE has put together - <https://cdphe.colorado.gov/clean-water-program/clean-water-permits/for-permittees/chemical-evaluations-and-discharge-permits> The regulatory processes for both waste and drinking water treatment are getting more and more complex. It's hard work and there is a strong desire to try to make it easier. The water treaters are on the front line and figuring out the questions and answers.

John Gage echoed Gabe's comments on the challenges to the permit modification and anti-degradation challenges. He emphasized clarity in communication is essential. It can dictate which treatment methods are viable.

Nathan Moore (CDPHE) – State updates – Nathan explained that when the policy for including PFAS was adopted, Policy 20-1, EPA guidance was to use Method 533 that detects only 25 of the compounds. The policy included a clause that as the EPA guidance was updated, the policy would also automatically be updated. Then the guidance changed to include Method 1633 instead of 533. Method 1633 detects 40 compounds. The WQCD is acknowledging the change in guidance and including 6 months to adopt the new method in a letter they will be sending out to permittees. They aren't planning to take any other action regarding the changes to the policy. All impacted permittees will have until January 1, 2023 to begin reporting their results from Method 1633 analyses.

Tara asked about Westminster's specific case and got assurance that they should continue to report the results from Method 533 but begin using Method 1633 as soon as possible and report those results. The WQCD will be working to make sure no one gets a noncompliance notice because of a delay in implementation of 1633. Nathan thanked everyone for their patience. Meghan asked if there was going to be a notice to provide (guidance) for permits that are awaiting extension. **Nathan** will look into it and bring the answer next month.

The second PFAS stakeholder meeting biosolids is next week. They'll be looking to develop an interim process as the analytical methods are being finalized. Gabe asked about a draft outline approach for PFAS in biosolids. Nathan responded that monitoring will be required, and the uses of the results would be discussed as well. They would like to develop concepts for a monitoring plan and methods. They're not looking at proposing a regulation revision at this point.

Needs some people to come work for CDPHE in permits section. Announcement will be on the web site soon, closing August 1. He says it's exciting work.

The WQCC is on hiatus until September when they will hold a hearing reconsidering degradation designations on segments of the S. Platte River. In October, the penalty increase formula will be considered. In November will be lakes nutrients, Reg. 85 and 31, as well as Policy 17-1, regarding nutrient removal processes.

Blair thanked Nathan for his participation.

Discussion Items

Gabe Racz – Updates and discussion – Gabe began by talking about the nutrients issue and the Jimmy McCutcheon Statement of Work (SOW). He reviewed that Jimmy would be reviewing the technical process of the WQCD proposal. The cost is estimated at \$32,500. Jimmy couldn't attend this meeting but clarified that the \$32,500 was a not to exceed amount and there is little possibility of him exceeding the budget in the timeframe. He would like to get started as soon as possible. There have been some discussions about revising the scope which Jimmy is very open to. Still the cost is a concern for CWWUC. WQCD is proposing standards that will likely be proposed for all lakes and reservoirs in 2027. If there's an opportunity to make an adjustment to the proposed standards, this is the best opportunity. There are some organizations that are willing to participate with CWWUC. Surprisingly the Technical Advisory Committee (TAC) didn't include limnologists that have been working on CO lakes such as Jimmy and Jean Marie Boyer.

Blair asked for member comments. Andra reported that the officers discussed asking members to contribute separately to the effort; a voluntary assessment. Gabe added that Jimmy would have a hard time meeting the schedule if he doesn't get approved today. Blair asked for members to weigh in on if they would contribute. Maybe the organizations dues structure needs to be re-evaluated. Wes added that the proposal seemed reasonable. He related it to the temperature issue. He thinks we'll get support from other entities we just don't have commitments. We need the members to weigh in and note potential contributions. Mark Thomas commented that the NFRWQPA voted to participate. Mark thinks there will be a lot more committed to funding.

Andra Ahrens clarified that the CWWUC overspends in some years but typically has a cushion built up from years where we under spend. If we pay for Jimmy McCutcheon we will spend down our cushion. In the past we have passed the hat to build up a fund to pay for specific expenditures. Meghan added that some of the proposed SOW is redundant. It's hard to digest the analysis from CDPHE and Boulder had a staff member who was on the TAC. Is there a way to reduce the not to exceed amount?

Gabe clarified that Jimmy wants to come back with a clarified SOW. He anticipates that the nutrient standard numbers will come out about where the CDPHE concluded but he may conclude that it is not a good idea to include both N and P. While a literature review may not be required, determining if the correct literature was used may be. He's willing to meet with TAC members and refine the SOW.

Motion – Andra moved to approve the SOW and solicit members for a voluntary assessment to cover the cost. Wes seconded the motion. The motion passed unanimously.

Gabe will tell Jimmy that the SOW is approved. Gabe will set up a meeting with Jimmy and the TAC members on CWWUC.

Amy will send out memos from Gabe on some of the topics.

Antidegradation - Responsive Prehearing Statement has been submitted.
Temperature requirements updates – The next meeting is August 1.
Regulation 22 - July 25th is the next work group meeting. He is working with some CWWUC members to figure an approach
Regulation 85/Policy 17-1 – His preliminary review is that the changes are clarifying rather than substantive.

Board Action Items

Approval of invoices for payment. Andra moved and Julie seconded a motion to approve payment of the invoices. The vote was unanimous.

Checks for Approval in July 2022		
2323 - Vranesh and Raisch	\$3,042.00	Invoice 42504 - late payment
2324 - Amy Conklin	\$2,887.50	June Coordinating
2325 - Vranesh and Raisch	\$3,484.00	Legal Svcs
2326 - CMF	\$1,670.98	Membership Dues

Payments to Dr. Pepper – let Amy know if you want to make a donation. **Amy** will send out invoices for Dr. Pepper donations and voluntary assessments to members who indicate they would like to contribute.

Approval of May 11th and June 8th 2022 minutes Andra moved and Wes seconded a motion to approve the minutes. The vote was unanimous.

Julie requested that people send their ideas about raising dues to Amy. It would be good if the CWWUC could be nimble, but we don't want to price out anyone with dues that are too expensive. Any ideas on dues structures would be welcome. Maybe we can have a survey at the next meeting. **Amy** will work with Blair so he can develop a survey

Julie moved; Wes seconded to adjourn the meeting. The vote was unanimous.

Next Meeting: Wednesday, August 10th, 2022 at 1:00 pm