



## **Final Meeting Minutes Wednesday, February 8th, 2023**

Attendees:

See the table at the end of the minutes.

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Amy got the virtual meeting started and Blair welcomed everyone. A copy of the recording can be found [here](#).

**Nicole Rowan (CDPHE)** – Nicole presented information on the fee bill the Water Quality Control Division (WQCD) is proposing to introduce to the legislature. She has been meeting with different groups. One issue a budget request from the General Fund that is in front of the Joint Budget Committee as part of a normal budgeting process. They are also working on companion legislation based on information that came up during questions on the General Budget request. So, there are two separate efforts on parallel tracks.

Their first priority is to talk to stakeholders. There isn't yet a bill to review and comment on. They have been having one and one meetings and anyone who wants one should reach out to Nicole.

The General Fund request was part of Gov.'s budget and is separate from the legislation, yet to be introduced. Over the last year, EPA tightened targets for the Clean Water backlog. The funding requests should allow CDPHE to catch up and keep the backlog low in the future. Also, they are behind on Safe Drinking Water systems inspections. The funding will focus on not making the backlog worse. The complexity of their work has increased over the past few years. Infrastructure funding also provides some opportunities for the state. Key to accomplishing the goals of the funding request is to have the staff to accomplish the work.

The funding request is for \$4 million in the next fiscal year to fund 41 FTEs. For the 2024-25 fiscal year, the request is for \$6 million that will fund an additional 6 FTEs. If the funding requests are successful, CDPHE will hire an additional 47 FTEs.

As part of the Governor's budget request they were asked about the role of cash funds. The proposal is to move the cash fees out of the statutes and put them under the Water Quality Control Commission (WQCC). Historically all the cash fees have been in statute. The Drinking water fees were last adjusted in 2007. Clean water fees were last raised in

2017. Before that, they were last raised in 2007. The fees aren't indexed to inflation and fee increases are infrequent, sporadic and motivated by CDPHE facing a financial cliff. Over the last decade they added a new inspection component on construction industry inspections.

Inflationary pressures have historically created 'fiscal cliffs' where fees had to be increased. Working under crises situations negates the opportunities for conversations about what the regulated community can afford. Other departments at CDPHE have their fees set by Boards and Commissions. They are hoping the proposed changes will guarantee fiscal stability while protecting the environment.

The bill would direct the WQCC to develop fees; complete a proposed 8% increase to match inflation; and direct the WQCC to engage in stakeholder process to determine sustainable fees. **Nicole** will send Amy a fact sheet for distribution and a link to the list serve. Roy asked Nicole about the proposed FTE increase. He asked her to explain how the numbers were developed and how the increase will be incorporated. Nicole answered that the budget proposal does address where the new people would be hired. The biggest chunk would go to reducing the permits backlogs. There are several other efforts the FTEs would be engaged with including updating data flow. Mark Thomas asked about if they're changing the statute, would they be proposing to allow more pass through funds to the 208 agencies. She will have to go back and look. She guesses that the limits to the 208 pass through are governed by federal regulation. Mark encouraged Nicole to look into the 208 funding.

**Nathan Moore (CDPHE)** –Nathan reported that they hired a new permits section manager who is Andrew Sayers Faye. Andrew introduced himself and the group welcomed him. Blair explained who the CWWUC is and what we do. We've always had a good working relationship with the state.

He asked to clarify last month's minutes to reflect that permits backlog decreasing would be dependent on the long bill passing. So noted.

Nathan added that he had received questions from Gabe about the nutrients standards and he is working on responding to them. The answers will be of interest to a lot of people. Broadly he thinks implementation of the nutrients will be similar to implementation of any other standard. It has challenges that will need to be worked through. He proposed to maybe put together a webinar to go over the questions. Gabe added that the council's position is that answers to the questions are needed before adoption of standards. The uncertainty is extremely difficult for utility planning. Gabe agreed that having a conversation would be of great benefit.

**Nathan and Amy** will work on selecting a time and day and send it out to the membership.

Nathan asked if anyone had any questions for him. Andrew responded that he's currently living by Cherry Creek. He came from a consulting firm in CA and worked for the state in Alaska.

### **Discussion Items**

**Lake Nutrients Criteria** – Gabe reported that the rebuttal statements are due by Wednesday. He had hoped to have a draft for today. It'll be a shorter document than the Responsive Pre Hearing Statement (RPHS). He'll get the draft out by Friday. The central message is to be sure that the upstream facilities can comply with the proposed standards. His understanding was that table value standards will be accompanied with site specific standards and variances when the standards are adopted, not afterward. Utilities can't plan with such a high level of uncertainty.

Wes reported that he's been directed to reach out to the legislators and Governor to delay the hearing. Would anyone be interested in having Gabe draft a letter to request a postponement on the study? The WQCD has been very slow to respond. If the council decides to send a letter, Gabe recommends reaching out to Nicole as well. One point is that we recognize they are resource limited but they are focusing on the wrong things. Adopting standards that put utilities in peril is a concern. We aren't trying to stop water quality standards; we're trying to be sure they're appropriate which requires variances and site specific standards to be set in advance. The WQCD needs to adjust its priorities. Maybe we could propose to link the priorities to the funding request.

Julie added that the cost estimates Centennial is looking at are as frightening as Plum Creek's. Julie reached out to the Special Districts Association and they are interested in providing support. It's important not to go behind the staff's back which should happen during conversations about their funding requests. Wes's effort is to delay the hearing so the process can be done correctly; to adopt standards that can be implemented including site specific standards and variances. He suggested we might reach out to the Pinery and Parker.

Boulder and Morrison Creek utilities also provided cost estimates. There's a range of facility sizes that provided estimates. 1 to 25 MGD. The cost benefit analysis will probably not be available any earlier than 10 days before the hearing. During the delay, the cost benefit analysis could be reviewed and commented on as well as proposed site specific standards and variances.

Meghan added she is concerned about going directly to the Governor. It isn't clear that the WQCD has the resources to develop site specific standards and variances. She's concerned that the economic study will not be included. She asked what the rebuttal

statement will address. There are some issues in the statements from CPW and EPA as well as WQCD that are worth rebutting.

Centennial and Plum Creek will fund Gabe’s effort to write the letter. Special Districts Association is a good group to partner with. The Colorado Municipal League (CML) would also be worth reaching out to. Gabe emphasized that the WQCD shouldn’t adopt the standards without clear understanding about how people will be impacted. The WQCD didn’t try to answer the questions before making the proposal. The costs, especially, need to be understood. Wes and Julie will have Gabe move forward with drafting the letter.

Dan talked about issues of the hearing impacting South Platte Renew. He’s been looking at the implementation and timing of standards in Reg. 31 especially for Nitrogen (N). Implementation of N standards has been moved to pre-2027 when before it was clear it would be implemented after 2027. The concern was expressed as part of South Platte Renew’s Pre-hearing statement. The WQCD claimed the change was non-substantive but it is and it should be explained or removed. Members were encouraged to include comment on the issue in their rebuttals.

**Budget** – Amy reported that checks for membership dues and regulatory support are coming in. She thanked the

membership for their patience and responsiveness. All the 2022 membership dues invoices have been sent. 2023 membership dues will be sent at the end of February. Some (unfortunate) organizations will receive membership dues invoices 2 months in a row. A table of the checks received is included in the agenda and is probably already out of date. In a few months, Amy will start including membership dues payments with the roll call at the end of the minutes.

Checks for Deposit in February 2023			Membership	Reg. Support
Black Hawk	\$ 230.00	2022 membership dues only	\$ 230	
Broomfield	\$ 1,182.00	Req support only		\$ 1,182
City of Westminster	\$ 920.00	2022 dues	\$ 920	
CO Springs Utility	\$ 5,173.00	Req support only		\$ 5,173
Evergreen Metro	\$ 526.00	2022 membership dues and Req.	\$ 230	\$ 296
Fountain Sanitation District	\$ 552.00	2022 and 2023 dues	\$ 552	
Longmont	\$ 3,942.00	2022 membership dues and Req.	\$ 1,725	\$ 2,217
Lower Fountain	\$ 552.00	2022 and 2023 dues	\$ 552	
Metro Water Recovery	\$ 10,900.00	2022 membership dues and Req.	\$ 6,900	\$ 4,000
Monument	\$ 263.00	2022 membership dues and Req.	\$ 115	\$ 148
NFRW/QPA	\$ 500.00	2022 membership only	\$ 500	
Platte Canyon	\$ 658.00	2022 membership dues and Req.	\$ 288	\$ 370
Pleasant View	\$ 263.00	2022 membership dues and Req.	\$ 115	\$ 148
Plum Creek	\$ 1,314.00	2022 membership dues and Req.	\$ 575	\$ 739
Roxborough	\$ 263.00	2022 membership dues and Req.	\$ 115	\$ 148
Security San. Dist.	\$ 526.00	2022 membership dues and Req.	\$ 230	\$ 296
St. Vrain San. Dist.	\$ 2,102.00	Support	\$ 920	\$ 1,182
Town of Silverthorne	\$ 1,314.00	2022 membership dues and Req.	\$ 575	\$ 739
Upper Thompson	\$ 296.00	Req support only		\$ 296
Widefield Water and San. Dist.	\$ 1,314.00	2022 membership dues and Req.	\$ 575	\$ 739
	\$ 32,790.00		Sul \$ 15,117	\$ 17,673

In addition to membership dues, members were invoiced for Regulatory Support. The response has been amazing. Clearly, this is an issue that resonates with the membership. One note is that everyone should double check that the address is for:

CWWUC  
 c/o Amy Conklin  
 6795 S. Elati St.  
 Littleton, CO 80120

Blair would like to keep tracking our financial status. Kevin Johnson talked about Amy's request to Bear Creek. Their immediate concern is their impending Total Maximum Daily Load (TMDL) for N and Phosphorus (P). Bear Creek approved a contribution of \$2,000 to support CWWUC's regulatory effort. **Amy** will send Russ Clayshulte, the Bear Creek Coordinator, an invoice. Amy, Julie and Katie will continue working on a budget for the organization that considers the issues coming in from of the WQCC over the next few years.

**Chemical Form Evaluation Subcommittee** – John reported that no one has responded that they will be going through updates in the near future. The Permits Issues Forum (PIF) had a request for information on what the council has been working on. So far there is just an inventory of testing done and results. No policies or strategies have been discussed. Maybe part of the conversation about the fee request is the concern about Chemical evaluation forms taking a lot of time. They are waiting to see what direction the new permits manager will take. Dan added that the PIF was interested in both the inventory and a template for compliance schedules, especially when requests are denied or shortened.

**Water Quality Forum Updates – Meghan Wilson** – Meghan reported that the last meeting was in January. The next one will be March 20<sup>th</sup>. The Aluminum work group is ongoing, being led by Jim Dorsch. She put the information about the work group in the chat. The Reg 22 work group is going as well. She's hoping that they can make some headway with the new manager. The Reg 22 work group meeting is Feb. 27. It's a good group with good discussion about flexibility around permitting process. The concept of using load-based limits is being discussed.

**Drinking Water Council Updates – Cynthia Lane** – Cynthia was not available to report. Julie reported in her absence that Nicole Rowan had attended that meeting and made a similar presentation. A future meeting will be on the SPUR campus.

**Presentation from the Freshwater Trust on water quality trading** – Amy and Jessica continue working with Steamboat personnel and the Freshwater Trust to prepare a presentation/conversation for the March meeting. Jessica reached out to Julie Baxter with Steamboat. She's taking the lead with the Trust but will not be ready by March.

**RMWEA government affairs committee representative** – **Julie** reported that they talked about biosolids and PFAS testing. PFAS grants are open this month. Flushable wipes legislation has a bill. **Julie** will forward the bill to Amy to distribute. It will include a way to support the legislation. The council should consider adding their support. Thermal heat recovery may also be the subject of a bill. The Fly-in to Washington DC will be April 25 and 26<sup>th</sup>. The next meeting is March 15. Thermal heat credits are embedded in SB 23-016. Jesse asked about the PFAS grant application

process. Mary Paterniti responded that the grant is a federal grant that will pay for only one sample. The concentration is for drinking water and raw water rather than biosolids.

Audit requirement in Bylaws – Financial Policy 006, when adopted will be the instructions for the Agreed Upon Procedure that will satisfy the Audit requirement in the By-laws. Roy thought it might be worth considering hiring a firm to help us with the policy and then to do the work. We want to eliminate the requirement for an audit but we’re not sure what we do want to do. The issues of who needs to review contracts needs to be clarified. The issue was postponed for a month.

Other

**Board Action Items –**

Approval of invoices for payment – Wes moved, Roy seconded approval for payment of all invoices. The vote was unanimous.

Checks for signature in Feb. 2023		
2344 - Nonprofits Insurance Alliance	\$ 262.00	Insurance premium, minimum
2345 - Amy Conklin	\$ 4,025.00	Jan. 2023 coordinating
2346 - Vranesh & Raisch		legal services

Approval of January 11<sup>th</sup>, 2023 minutes. John Gage moved, Wes seconded a motion to approve the minutes. The motion passed unanimously.

Future Topics –

- follow up with Dr. Pepper,
- Ron Falco presentation on safety of our drinking water, he won’t be available until after March 2023
- CERCLA exemption for PFAS in municipal biosolids.
- Water quality trading

Next Meeting – Wednesday, March 8<sup>th</sup> at 1:00 pm

Attendance

Nathan Moore, CDPHE  
 Amy Conklin, Coordinator  
 Gabe Racz, Vraesh and Raisch  
 Nicole Rowan, CDPHE  
 Andrew Sayers-Fay, CDPHE

Maryann Nason, CDPHE  
 Nick  
 719 313 1169  
 970 218 2932

Member	Last	First	email	
Black Hawk	DiToro	Jessica	<a href="mailto:jessica.ditoro@lrewater.com">jessica.ditoro@lrewater.com</a>	x
Black Hawk	Trejo	Diana	<a href="mailto:diana.trejo@lrewater.com">diana.trejo@lrewater.com</a>	x
Brownstein Hyatt	Smith	Mike	<a href="mailto:MSmith@BHFS.com">MSmith@BHFS.com</a>	x
C. Springs Utility	Zietlow	Patti	<a href="mailto:pzietlow@csu.org">pzietlow@csu.org</a>	x

C. Springs Utility	Berlemann	Annie	aberlemann@csu.org	x
Centennial	Tinetti	Julie	JTinetti@cwsdhrmd.org	x
City of Aurora	Handzo	John	jhandzo@auroragov.org	x
City of Aurora	Harmon	Nick	<a href="mailto:nharmon@auroragov.org">nharmon@auroragov.org</a>	x
City of Aurora	Kelley	Meghan	<a href="mailto:Mkkelley@auroragov.org">Mkkelley@auroragov.org</a>	x
City of Boulder	Wilson	Meghan	<a href="mailto:wilsonm@bouldercolorado.gov">wilsonm@bouldercolorado.gov</a>	x
City of Broomfield	Cowell	Dawn	dcowell@broomfield.org	x
City of Fort Collins	Schalm	Jesse	<a href="mailto:jschlam@fcgov.org">jschlam@fcgov.org</a>	x
City of Longmont	Gage	John	John.Gage@LongmontColorado.gov	x
City of Longmont	Noble	Anne	Annie.Noble@longmontcolorado.gov	x
City of Longmont	Paterniti	Mary	<a href="mailto:Mary.Paterniti@longmontcolorado.gov">Mary.Paterniti@longmontcolorado.gov</a>	x
City of Loveland	Creaghe	Joe	Joe.Creaghe@CityofLoveland.org	x
City of Northglenn	Stanley	Shelley	sstanley@northglenn.org	x
City of Westminster	Wilson	Tara	twilson@cityofwestminster.us	x
Evergreen	Johnson	Kevin	kjohnson@evergreenmetrodistrict.com	x
Evergreen	Stawski	Jason		x
Fountain	Ormandy	Toby	tormandy@fsd.co	x
Lower Fountain Metro Sewage Disposal District	Heckman	Jim	<a href="mailto:fsdmanager@fsd901.org">fsdmanager@fsd901.org</a>	x
Metro Water Recovery	Dorsch	Jim	jdorsch@mwr.dst.co.us	x
Metro Water Recovery	Koplitz	Katie	<a href="mailto:kleach@mwr.dst.co.us">kleach@mwr.dst.co.us</a>	x
Monument	Kendrick	Jim	jfkendrick@q.com	x
Monument	Parker	Mark	<a href="mailto:parker@msan.co">parker@msan.co</a>	
Mount Crested Butte	Burks	Bryan	<a href="mailto:bburks@mcbwsd.com">bburks@mcbwsd.com</a>	x
Mount Crested Butte	Fabbre	Mike	<a href="mailto:mfabbre@mcbwsd.com">mfabbre@mcbwsd.com</a>	x
North Front Range	Thomas	Mark	mthomas@nfrwqpa.org	x
Pinyon-Env.	Byus	Carolyn	<a href="mailto:byus@pinyon-env.com">byus@pinyon-env.com</a>	x
Plum Creek	Martin	Wes	wesmartin@pcwra.org	x
Security	Bernard	Brandon	<a href="mailto:b.bernard@securitywsd.com">b.bernard@securitywsd.com</a>	x
Security	Heald	Roy	r.heald@securitywsd.com	x
Silverthorne	Kruckeberg	Jason	jkruckeberg@silverthorne.org	x
South Platte Renew	Coring	Blair	bcoring@englewoodco.gov	x

South Platte Renew	DeLaughter	Dan	ddelaughter@englewoodco.gov	x
St. Vrain	Fleck	Rob	Rob@stsan.com	x
Town of Eagle	Wilson	Stephan	<a href="mailto:stephan.wilson@townofeagle.org">stephan.wilson@townofeagle.org</a>	x
Upper Monument Creek	Heckman	Jim	lfmanager@lfmsdd.org	x
Widefield	Morgan	Mike	mike@wwsdonline.com	x
Woodmen Hills	Shivvers	JD	<a href="mailto:JD@whmd.org">JD@whmd.org</a>	x

DRAFT