



**Meeting Minutes**  
**Wednesday, May 10th, 2023**

Attendees:

See the table at the end of the minutes.

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Blair got the meeting going and Amy forgot to record it! Apologies.

Nathan Moore, CDPHE staff – Nathan reported WQCC decided to delay implementation until 2028 or later as part of the nutrient hearing. A stakeholder process will be starting to work out the feasibility issues. The legislative session is over. The fee bill passed and there will be a lot of conversations about fee increases. They also got additional funding for new staff but at a smaller amount than they requested.

There were a few additional bills that they'll be working on including one regarding mobile home parks. The permits section has been working on the industrial stormwater permit and it has been issued. They also issued a revised temperature policy. Andrew reported that the policy was simplified by not repeating what's in the regulations. There are some more additional minor tweaks coming to the policy.

Blair asked about the fate of a bill about TMDLs which didn't make it through the appropriations committee. There was some good information exchange around the bill. It will take some more work moving forward.

May 22<sup>nd</sup> at 1:00 pm there will be a webinar on the industrial stormwater permit. The effective date on the permit will be a year. The Water Quality Control Division (WQCD) will begin discussions about feasibility at the Water Quality Forum Retreat this summer. Nathan would like to get some issues on paper before the discussion begins to ensure discussions are as productive as possible. By late 2023 or early 2024 the discussions should be underway. Concern was expressed about the Technical Advisory Committee (TAC). Nathan will talk to Aimee Konowal about making the TACs work better. Gabe added that there were several TACs on the schedule that haven't been kicked off yet, on Arsenic, Selenium and Ammonia. Nathan will follow up with Aimee. He's pretty sure it'll be addressed at the roadmap meeting. The Arsenic workgroup and a lot of things on Arsenic will likely be delayed. The Water Quality Forum will be meeting on Monday.

Julie Baxter, Steamboat, Fresh Water Trust – A presentation on water quality trading was made by Julie Baxter, the water resources manager for City of Steamboat

and David Primozich, The Freshwater Trust. It is included with the minutes. Warming waters is a problem for Steamboat. River closures to protect aquatic life have happened during the last 6 years. There are more stringent requirements for temperature that could cost millions to cool effluent. But the problem is not with effluent temperatures; it's a nonpoint/watershed issue. They are trying to resolve the uncertainties around the temp variabilities and the tools to address it.

A management plan was developed with findings that small releases could be somewhat effective and increasing shading could also be effective. They began a riparian forest restoration program. The City of Steamboat Springs engaged with the Fresh Water Trust to get their expertise.

David Primozich talked about the Freshwater Trust and the programs they've used to get improvements in effluent temperatures. Thermal loads and nutrients are related in many locations. The Freshwater Trust is 40 years old and has a big portfolio of projects. They work mostly in the west with a lot of work in OR, CA and WA.

Water Quality Trading has been in place for many decades. It doesn't work everywhere and can be complicated. Grant programs are much different than programs that are driven by compliance. Compliance has a lot more requirements, measurements and reporting.

Colorado has policies for water quality trading (WQT) and was an early adopter. There has been a lot of groundwork on WQT. It is possible to implement WQT, especially in CO. The first step is to establish if WQT is possible. He went over the programs they currently have going on. He estimated that they have saved about \$1 billion of expensive treatment process from being implemented. He showed some examples.

Julie shared the results of their alternatives analysis. WQT was much more cost effective. The city will continue to invest in watershed approaches even if compliance with temp isn't achieved. She shared some ways to get involved.

Water rights will need to be secured for the implementation phase. They haven't had any challenges to the water rights issues. The thinking that the reduced stream evaporation from shading compensates for evapotranspiration of the trees.

Gabe thanked them for their work and validated that WQT may be good strategy for CO and nutrient compliance. The WQCC voiced some skepticism. They were worried about the accountability of using WQT. David and Julie responded that Steamboat is evaluating the efficacy of implementation but not yet implementing. Including trading ratios in WQT policies is one way to accommodate uncertainties and the delay of the effectiveness of the shading; letting the trees grow to the point that they're creating

shade. On the nutrient component, sediment runoff is such a large factor, WQT has been measured and tracked, and use ratios to adapt WQT to the permits.

John Gage asked about urban corridor warming and tree removal and their experience in those cases. In places where flood plains have to be widened and trees have to be removed to allow flood flows, WQT just wouldn't work.

Blair thanked them for their presentation.

### **Discussion Items**

**Lake Nutrients Criteria** – Gabe reported on the nutrients hearing and legislation. He repeated what Nathan had said about the standards being adopted as Table Standards with the revised implementation plan to delay. The statement of basis and purpose includes recognition that the wastewater community needs to be ready for the implementation. They recognized the standards can't be met.

Gabe shared his take-aways from the process. The way the TAC was run was not good. It's great that the WQCD will be reviewing and maybe improving the work of the TACs. Development of site-specific standards may be more difficult in the future. The role of cost/benefit analysis was important but the late date of completion of the analysis was a challenge. Political engagement was also effective. Elected officials expressed their concern about the costs which had an impact. Environmental justice was also important. Utilities will also need to reach out to their underserved communities. Feasibility and implementation issues will be reviewed in upcoming conversations.

The timeframe is going to be compressed between now and 2027. Stakeholder committees have been delayed. Gabe doesn't see how stream Phosphorus can be appropriately addressed by 2027. They should have started with a TAC a few years ago. The data will be insufficient.

The council may want to pay for key consultants to participate in the TACs. Otherwise, whatever WQCD proposes will be adopted. Another approach is site specific variances for everyone. Technology based approaches may be worth considering. The council should participate rigorously and repeatedly in the water quality roadmap meetings.

Azra shared the results of a technical feasibility study that might be valuable. It was conducted by EPA. The study addresses the environmental costs of advanced treatment. Gabe repeated that getting everyone site specific standards is impractical. He referenced the use of cooling towers that are not really practical; there wasn't a good feasibility study done. Azra hopes the study will act as a beginning of a conversation of what the WQCD is willing to discuss. Slowing down implementation is certainly an option. There will be a presentation to the membership about the feasibility study in July.

There is an Eagle River segment that was going to be put on the 303 d list for temperature. The basis for their placement on the 303 d list may not be justifiable. The impacted parties are considering how to respond. The effect is that there is no accounting for natural warming. There are process issues around both the nutrients hearing and temperature. It may be difficult to get the right people on the TACs.

The fee bill states that 3 people on the WQCC have to be members that are employed by entities that are regulated. That requirement is currently met, technically, but many of the members are unaware of the impacts of rates on the rate-payers. He suggests that the CWWUC recommend members every year.

Barb added that on the TMDL bill, even though it was killed, she suggested we keep pushing on the requirements and come back with a bill next year. The Chatfield water quality fee bill did get through the legislature. They can charge up to \$2 per day for day passes. It's not as robust as Cherry Creek's. There are a lot Colorado Water Plan grants being implemented. Forest health and stream restoration projects would probably be eligible. There will be a stakeholder process around the water rights associated with stream restoration.

**Budget** – Amy reported that we need input from the membership on what they would like the Council to fund. Blair sent out a 5-question survey that was also included in the agenda. Blair reported on the survey results. There were 23 respondents. Most people thought the amount of money needed to be increased (22 to 1). Most people support dues increases over voluntary assessments (20 to 4). Most people think we should start raising funds for the 2027 hearing. The hearing is the most important with PFAS coming in second, then basin hearings. There were some good thoughts about keeping the organization productive. The results are included with the minutes.

**Chemical Form Evaluation Subcommittee – John Gage** - John reported that he had a conversation with Nicole Poncelet-Johnson, Nathan Moore and Andrew Sayers-Fay. They discussed existing chemicals that were already approved coming into question again. There seemed to be some workable solutions. They also covered aquatic testing and technical issues. There was some acknowledgement of the issues but not a lot of movement. There was no commitment for a stakeholder process. It was a good conversation.

**RMWEA Governmental Affairs Committee – Julie** reported that she, Barb Biggs, and Meghan Wilson attended the water quality fly in. There were congressional visits, panels, and conversations with EPA. They met with many of the CO representatives. They discussed source controls for PFAS, wastewater to be eliminated from CERCLA liability, extending the low-income water customer assistance program and spending requests. It was a good visit.

Water Quality Forum Updates – **Meghan Wilson** – Meghan reported that there will be a meeting on Monday.

Drinking Water Council Updates – **Cynthia Lane** – Cynthia reported that she seconded the comments about the wastewater fly in. The results from the fly ins have been very satisfactory. Participation in the fly ins is very important. There have been 5 PFAS exemptions bills introduced for specific sectors. Asking for exemptions specifically for water is the most effective. The Drinking Water council will be commenting on the PFAS bills as well as the consumer confidence report. There will also be a cyber security bill coming, eventually, as well as the lead and copper rule.

Other –

**Board Action Items –**

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

Checks for signature in May 2023		
2356 - AMS	\$ 132.79	Insurance
2357 - Amy Conklin	\$ 1,575.00	Coordinating

Approval of April 12<sup>th</sup>, 2023 minutes. Julie **moved**, Brandon seconded a motion to approve the minutes. The motion passed unanimously.

Next Meeting – Wednesday, June 14<sup>th</sup> at 1:00 pm

**Attendance**

- Amy Conklin, Coordinator  
719-322-5511
- Nathan Moore
- Julie Baxter, Steamboat
- Andrew Sayers-Fay
- David Primozich, the Freshwater Trust

Member	Last	First	email	
City of Longmont	Noble	Anne	Annie.Noble@longmontcolorado.gov	x
City of Longmont	Bilgin	Azra	<a href="mailto:azra.bilgin@longmontcolorado.gov">azra.bilgin@longmontcolorado.gov</a>	x
Roxborough	Biggs	Barb	<a href="mailto:barbara@roxwater.org">barbara@roxwater.org</a>	x
South Platte Renew	Corning	Blair	bcorning@englewoodco.gov	x
Mount Crested Butte	Burks	Bryan	<a href="mailto:bburks@mcbwsd.com">bburks@mcbwsd.com</a>	x
City of Boulder	Sigmon	Cole	<a href="mailto:sigmonc@bouldercolorado.gov">sigmonc@bouldercolorado.gov</a>	x

Platte Canyon	Lane	Cynthia	calane@plattecanyon.org	X
City of Broomfield	Cowell	Dawn	dcowell@broomfield.org	X
Black Hawk	Trejo	Diana	<a href="mailto:diana.trejo@lrewater.com">diana.trejo@lrewater.com</a>	X
	Koplitz	Katie		X
Silverthorne	Kruckeberg	Jason	jkruckeberg@silverthorne.org	X
Black Hawk	DiToro	Jessica	jessica.ditoro@lrewater.com	X
Monument	Kendrick	Jim	jfkendrick@q.com	X
Fountain	Heckman	Jim	fsdmanager@fsd901.org	X
City of Greeley	Kunovic	Joe	<a href="mailto:Joe.kunovic@greeleygov.com">Joe.kunovic@greeleygov.com</a>	X
City of Aurora	Handzo	John	jhandzo@auroragov.org	
City of Longmont	Gage	John	John.Gage@LongmontColorado.gov	X
Dominion	Baile	Josh	<a href="mailto:Josh.Baile@dominionwsd.com">Josh.Baile@dominionwsd.com</a>	X
Centennial	Tinetti	Julie		X
Weld	Mayer	Logan		X
City of Aurora	Kelley	Meghan	<a href="mailto:Mkelley@auroragov.org">Mkelley@auroragov.org</a>	X
City of Aurora	Harmon	Nick	<a href="mailto:nharmon@auroragov.org">nharmon@auroragov.org</a>	X
St. Vrain	Fleck	Rob	Rob@stsan.com	X
Security	Heald	Roy	r.heald@securitywsd.com	X
Centennial	Calkins	Samuel	<a href="mailto:SCalkins@cwsdhrmd.org">SCalkins@cwsdhrmd.org</a>	X
Northglenn	Stanley	Shelley	<a href="mailto:sstanley@northglenn.org">sstanley@northglenn.org</a>	X
Town of Eagle	Wilson	Stephan	<a href="mailto:stephan.wilson@townofeagle.org">stephan.wilson@townofeagle.org</a>	X
City of Westminster	Wilson	Tara	twilson@cityofwestminster.us	X
Fremont	Ormandy	Toby	tormandy@fsd.co	X
Plum Creek	Martin	Wes	wesmartin@pcwra.org	X
Metro Water Recover	Dorsch	Jim		X
Fresh Water Turst	Primozych	David		X
	Whitson	Rob		X
	O'Connor	Katie		X
	Thomas	Mark		X
Pueblo	Vanderloop	Maria		X
	Schalm	Jesse		X

Boulder	Wilson	Meghan		X
City of Greeley	Eldrige	Tyler		X
Westminster	Kline	Kelly		X
C. Springs Utility	Berleman	Annie		X
	Parker	Mary		X
Security	Bernard	Brandon		X
Woodmen Hills	Shivvers	JD		X
C. Springs Utility		Heather		X
		Nick		X
Security	Mills	Anthony		X
Cherokee	Watkins	Joshua		X
C. Springs Utility	Zeitlow	Patti		X