



Draft Meeting Minutes
Wednesday, July 10th, 2024

Attendees: See the table at the end of the minutes.

Julie got the meeting going and a copy of the recording can be found [here](#). Julie welcomed everyone and started the meeting.

PFAS Research Update – Dr. Ian Pepper, University of AZ, gave a brief overview of the status of the research. He reported that CT became the second state to ban land application of biosolids by inserting one sentence into legislation. Objectives of his research include following what happens to PFAS as they are land applied including uptake by plants. There are sites across the country where participants are following the same protocols. There are 25 different analytes and they're using EPA method 1633. They are collecting special soil analyses so that the results can be modeled. They have 23 sites in 17 states. The loading rates vary over the site's lifetime. All the soil median concentrations are well below the Maximum Contaminant Levels (MCLs) for water. PFAS analytes can be found in rain and snow, indicating how ubiquitous they are in the environment.

Models have been created to predict the likelihood of PFAS migration. Modeling will use data paired sets of soil and water, to start. If there are PFAS in soils, they can be absorbed onto soil particles or it can be leached. The data show that there is significant absorption of PFAS molecules in soil. There will be different soil screening levels at each site because the screening level depends on the characteristics of the soil. The more organic carbon the better for absorption of PFAS. The results show that groundwater is not being contaminated by PFAS. They hope to have all the data analyzed within the next few months and he hopes to issue a report soon, presenting a conclusion of Phase 1 of the study. Without industrial contamination, PFAS contamination is very low from municipal biosolids.

Phase 2 of the study will look at crop uptake of PFAS. They're hoping to grow crops on all 23 sites and measure PFAS concentrations in the plants. Uptake in different types of crops would be measured. EPA initially was not interested in the study results fearing that industry would taint the results, but they are softening on that position. The modeling is ready currently, the models just need adequate inputs.

Gross contamination of soil is almost always caused by industry. That type of waste should not be land applied. Irrigation water was also tested for PFAS and was found in many cases even when there is no obvious source. He is looking for more funding for Phase 2 which the CWWUC can discuss later.

Nathan Moore, CDPHE staff – Nathan reported on the upcoming Water Quality Forum. Water Quality Forum Retreat sign-up is here and the registration deadline is COB this Friday (July 12)

<https://www.tickettailor.com/events/coloradowatershedassembly/1291921>.

More information about the topics can be found on the water quality forum website. The work statement for the National Water Research Institute (NWRI) feasibility panel is ongoing. They will be working to raise funds for the panel. He was curious if the CWWUC was willing to organize payments, however, NWRI is able to accept payments directly. It won't be necessary for anyone to organize the payments. They are guessing the amount they'd like to raise should be around \$150,000. The state will also have some funds to contribute to the effort, perhaps as much as \$45,000. NWRI is also looking for recommendations for people to serve on the panel, specifically people who are not vested in the outcome for Colorado. They are also looking for recommendations of who should Chair the panel. The timing for contributing funds should be within the next couple of months.

Discussion Items

Regulatory Updates – Justine reported that there will be no more meetings of the fee bill workgroup until August 29th. **Julie** will forward Justine's email to Amy to include in the minutes. The feasibility workgroup met on June 20th with discussion of the timeline, roadmap and outcomes. The group has expressed concern about the aggressiveness of the schedule. The division is trying to combine the technical and regulatory issues simultaneously. Gabe thinks it's important that technical studies not preclude regulatory options. The draft of the work statement is not yet broadly available. There is a pretty broad representation on the work group. The cost and benefits compared to the regulatory efforts could yield some good data. The life cycle analysis done for Santa Fe showed the true costs of types of treatments. One result of the work may be expansion of the framework for variances by adding environmental consequences.

The group went over their budget and discussed long term planning. Saving money for the 2027 hearing is still a good idea. However, the costs may be lower than originally thought. A discussion on the NWRI contribution was proposed for next month when the work statement should be available. If the members think the scope is good, we can discuss if the members want to contribute. August 1st is the next feasibility group meeting and the scope should be ready then.

Chevron – Loper Bright Enterprises SCOTUS decision - CO has followed Federal Administrative law, historically. It's still unknown if the CO Supreme Court will follow the

decision. SCOTUS ended a Chevron deference which is different than commonly understood. When there was a dispute about the interpretation of a law by a federal agency, the court would defer to the agency interpretation. That is no longer the law. The federal courts are the bodies that interpret the meaning of the federal law and don't defer to the agency, except where there is a specific definition to do so in the legislation.

Under the Clean Water Act, there will likely be some litigation to clarify issues that arise due to the decision. Wherever EPA has jurisdiction, such as pretreatment and biosolids, if the utility thinks the interpretation is inconsistent with the law, that could be reviewed in Federal Court. Water quality standards, Total Maximum Daily Loads (TMDLs) as well as others are often open to interpretation. EPA positions on requiring all water quality standards to be met unless there is a variance may not apply.

The erosion of agency deference is important to the work of the Water Quality Control Division (WQCD). It is a big change. It may result in full employment for lawyers. It won't always benefit the regulatory community. There will be more to come.

Regulation 22 implementation policy is available for comment. It covers historical infrastructure. The inspectors will need to be trained. It allows for more flexibility in construction schedules so there aren't stranded assets. There needs to be a reasonable planning horizon. It provides some certainty on improvements that will need to be built. There is cautious optimism that it will be a helpful tool for utilities.

Chemical Evaluations – Dan reported that discussions continue with Andrew. They're waiting to hear about the MN guidance adoption. Notice for permit renewal processes are also being discussed. They have submitted a rationale on the permit renewal process in general. Making a work group for permit renewals will be discussed at the Water Quality Forum. Julie encouraged everyone to advocate for making the permit renewal process a work group at the Water Quality Forum. It will be a benefit to the regulated community to have input up front.

Water Quality Form Updates - Meghan reported that the retreat is July 25 and 26 at the SPUR campus as Nathan reported. The deadline to register is this Friday.

Drinking Water Forum Updates – Cynthia reported on the backflow issue, where a state plumbing law was changed surreptitiously, by changing 2 words, has created chaos. Now certified plumbers are required to inspect backflow devices. None of the backflow testing companies have certified plumbers which are now required. CDPHE was caught off guard as were other agencies. There has been discussion about rectifying the change. Currently everyone is advised to continue current operations even though they aren't in compliance. CWWUC may want to draft some language for consideration by the Plumbing Board. One consequence is that all the backflow testing companies may go bankrupt. It appears to be related to money. The sponsor of the bill

appeared to be unaware of the impacts of the change. The bill is HB 1344, Sunset Plumbing.

RMWEA Govt. Liaison – Julie reported that they submitted the rationale for the permit renewal process being added as a workgroup that will be discussed at the Water Quality Forum.

CMF Liaison – Dan reported that the main topic is that the Colorado Monitoring Framework (CMF) would like the CWWUC to take the lead on nutrients. It is unclear exactly what that means. More follow up is required. CMF has been working on PFAS and temperature issues. Primarily the goal is to coordinate. Anyone interested in joining the meeting with CMF please contact Julie or Dan.

Barbara Biggs Memorial Fund– Amy reported that the MOU between The Greenway Foundation (TGF) and CWWUC has been signed. Thursday August 22nd will be the Greenway Foundation’s Reception on the River with fundraising for the BBMF. Let Amy know if you’re interested in attending.

Coordinator Contract Discussion – Julie reported that Amy has requested a change to her contract to increase the rate and make it a flat fee. She finds it impossible to track her time because it’s so spread out throughout the day. The current contract runs through the end of 2024. The members discussed Amy’s request for a raise and change to a flat fee and agreed to her request. The next contract will be for \$36,000 annually paid as a monthly flat fee. The members requested that Amy continue reporting on her activities (even if she doesn’t track the hours) and provide that as a table in her Coordinator’s Report.

Board Action Items – Wes moved, and Jesse seconded a motion to approve the invoices as presented.

Checks for Signature July 2024		
2409 - Amy Conklin	\$ 1,312.50	June Coordinating
2410 - Applewood Bookkeeping	\$ 75.00	Inv. 825

The vote was unanimous to approve payment of invoices presented.

Approval of June 12th, 2024, minutes. Wes moved and Mark Thomas seconded a motion to approve the minutes. The vote was unanimous to approve the minutes as presented.

Open Discussion – No one had any topics.

Next Meeting – Wednesday, August 14th at 1:00 pm

Attendance

Amy Conklin, Coordinator
Nathan Moore

Andrew Sayers-Fay
Dr. Ian Pepper – University of AZ

Member	Last	First	email	
Peublo	Callaghan	Andrew		x
St. Vrain	Arnold	Alex		x
SPR	Stucky Acob	Andrea		x
	Berlman	Annie		
Grand Junction	Firl	Ashley		
Roxborough	Biggs	Barb	Gone but not forgotten. RIP dear friend	
	Johnson	Ben		
	Green	Bethany		
	Bernard	Brandon		x
	Zachman	Brad		x
S. Platte Renew	Corning	Blair		x
	Stanfield	Bent		
	Burks	Bryan		
	Icenogle	Bret		x
	A	Brianne		
Pinyon	Byus	Caroline		
Boulder	Sigmon	Cole		
	Bieker	C		
	Lane	Cynthia		x
South Platte Renew	DeLaughter	Dan		x
	Richardson	Daniel		x
Montrose	Bries	David		x
	Louch	Dave		
Black Hawk	Trejo	Diana		
Broomfield	Cowell	Dawn		x
Mott Macdonalds	Farias	Elizabeth		
Dominion	Bahn	Evan		
		Heather		
	Venette	Greg		x
Silverthorne	Kruckeberg	Jason		
Fort Collins	Schlam	Jesse		x
Black Hawk	DiToro	Jessica		x
Fountain	Heckman	Jim		
Monument	Kendrick	Jim	jfkendrick@q.com	x

Metro Water Recovery	Dorsch	Jim	jdorsch@mwr.dst.co.us	x
Gypsum	Hancock	Jim		
Loveland	Creaghe	Joe		x
	Kunovic	Joe		x
	Coyle	Jon		
Longmont	Gage	John		x
	Moore	Jonathan		
	Watkins	Joshua		x
	Tinetti	Julie		x
	Koplitz	Katie		
	Cline	Kelly		x
	Harris	Madeline		x
	Freyre	Manuel		
	Parker	Mark		x
	Christiansen	Mark		x
NFRWQPA	Thomas	Mark		x
	Deminski	Mary		
	Paterniti	Mary		x
Boulder	Wilson Outcalt	Meghan	wilsonm@bouldercolorado.gov	x
Boulder	Mimna	Melissa		x
	Morgan	Mike		x
	Hoffman	Mike		
Broomfeild	Monacelli	Natalie		x
Aurora	Harmon	Nick		x
C. Springs Security	Zeitlow Heald Calkins	Patti Roy Sam		x x
Northglenn	Harcus	Scott		
Westminster	Stanley	Shelley	sstanley@northglenn.org	x
Fremont	Wilson	Tara		x
	Ormandy	Toby	tormandy@fsd.co	x
	Kraft	Tanner		
	Eldridge	Tyler		
	Eaves	Wally		x
Plum Creek	Martin	Wes		x
	Zachman	Brad		x