



COLORADO WATER UTILITY COUNCIL
Rocky Mountain Section of the American Water Works Association

MINUTES
COLORADO WATER UTILITY COUNCIL MONTHLY MEETING

September 21, 2011 7:00 a.m.

RMSAWWA/RMWEA Joint Annual Conference
Water Utility Council Breakfast
Embassy Suites Hotel- Loveland

Intro/Remarks—Sean Lieske

- Sean, stepping up for Tom Mountfort (absent), opened the meeting by welcoming everyone to the breakfast and introduced new officers:

Chair: Sean Lieske-Aurora Water
Vice-Chair-Michelle Wind-City of Boulder
Secretary- Jim Miller- Denver Water

CDPHE—Ron

- Nutrient Criteria: Ron indicated that it was time to engage with regard to nutrient criteria and the WQCD is open to feedback. He outlined that the WQCC will issue notice of rulemaking in November along with a WQCD proposal. He said it would be important to review documents now available or soon to be issued. Ron reminded us that EPA intervention is possible as well as lawsuits from affected parties. For more information on meeting dates and related documents, you are directed to the website of the Colorado Water Quality Forum.
- Federal Budget: Ron provided an overview of anticipated state budget impacts as a result of Federal changes. Cuts in both water and wastewater revolving fund programs and cutbacks in contract training are anticipated. State funding is holding and Ron anticipates continuing to work with the Section and stakeholders.
- Denver University Study: Ron reported on a study by DU that identified structural deficiencies in the state budgeting process with a disproportionate amount going to future prison and medicare expenditures.
- CDPHE Strategic Plan: Ron indicated that the Office of State Planning and Budget would be developing/analyzing CDPHE's strategic plan, which Ron said he would share with us.

- Governor's Executive Order-005: Ron reported that Martha Rudolf, CDPHE Department Director, participated in a workgroup that is preparing guidance for Departments regarding implementation of the executive order. It is not finalized yet. Likely to be finalized in late 2011 or early 2012.
- REG-100 – Operator Certification: Revisions to regulation 100 that establish sequential certifications to progress from D to A levels have been proposed and are now out for public comment. The public comment period closes November 16th. Ron indicated that future revisions are planned; administrative type clean-up (February 2012) and a review of plant classifications in 2012. Jim Miller added that revised regulation had been noticed by DORA and that the public comment period will close November 16th. Comments should be made through DORA.

CWUC By-Laws—Sean

- Addressing a topic that was tabled from August, revisions to the bylaws were discussed. Tom Settle made a motion to adopt the edited version previously distributed (in July) that was developed by Sean, Tom, and Lois. The motion was seconded by Tim Lambert. The motion passed unanimously.
- Sean will make the edits.
- The changes will need the support of the Section.

Legislative Committee Report—Chris Piper

Topic in bills of interest include:

- Jim Miller discussed legislation that was proposed by Denver Water at the Sept 7 Water Resources Review Committee meeting regarding the development of a statewide standard for toilet efficiency. This would not be a mandatory upgrade for current homes, but manufacturers would only sell ones meeting the new standards. Stu Fonda commented that he had observed problems with low flow toilets when service lateral slopes were flat.
- Jim Miller also discussed the Water Resources Review Committee's unanimous vote on drafting narrow scope legislation pertaining to the elimination of the Certificate of Designation requirement for waste impoundments and disposal operations at drinking water treatment facilities. Jim provided handouts of his testimony and presentation to the committee. Utilities are requested to write a letter of support on letterhead and provide it to Jim Miller by October 12th.

AWWA Washington Report - Sean

- Sean discussed WIFIA, which stands for Water Infrastructure Financing Innovations Authority. He commented that WIFIA was modeled after a successful similar program supporting transportation projects. WIFIA would have a net zero effect on national debt. More on WIFIA is available on AWWA's website. Sean encouraged members to talk to their management about WIFIA.

- Sean also discussed regulations under development and mentioned perchlorate, Chromium VI, carcinogenic VOCs (as a group), nitrosamines and Total Coliform Rule revisions.

Water Quality and Policy Committee Report—Jim Miller

- Nutrients: Before Mary Fabisiak spoke on this topic, Jim Miller reminded members that a draft of the cost benefit study had been released for public comment and that there were several meetings and workshops scheduled as the rulemaking process is quickly coming to a close. The benefit to cost ratio reported were less than 1 for the costs and benefits that could be quantified in most (18 of 21) scenarios and river basins—suggesting that benefits were not worth the cost. Tier 1 aggregate costs across all basins were approximately \$3B, Tier 2 at approximately \$6B, and Tier 3 at approximately \$24B. Jim also indicated that the costs reported do not include financing costs and assume non-escalating fuel and power costs. The analysis did not quantify benefits to protecting public health and so are greatly underestimated. The cost benefit study also indicates a wide range of benefit to cost ratios for different river basins.

Mary provided background information as to why the EPA is driving the development of Colorado nutrient standards, and information on the levels of nitrogen and phosphorus that would be permissible to discharge for each of the proposed tiers. Mary also commented on the proposal for designating reservoirs as direct use water supply reservoirs. There was some discussion on this topic amongst members as well as expressions of hope that members of the water and wastewater councils would be able to reach some common ground on protecting high quality waters and not let water quality get worse.

Ron Falco encouraged members to review the cost/benefit analysis and to be critical. He indicated that lower standards would reduce disinfection by-products. He reminded members of the concept of MCLGs and the public health benefit of controlling disinfection by products. He reminded us that it would be more concerning to go the route of the State of Florida and that it would take some effort to get to that point.

Jim, addressing concern that much time had passed and that the rulemaking process had progressed including the development of costs and benefits since the previous council vote regarding the filing the party status, polled the audience to see if the council's course should change. No opposition was voiced to filing for party status and the present course of action was re-affirmed. Mary Fabisiak will take the lead on the filing.

For more technical information and the calendar of events, contact Mary Fabisiak, or visit the website of the Colorado Water Quality Forum.

- Waste Impoundments: Jim reported that the waste impoundment stakeholder process is coming to an end and that soon there would be a last call for comments on the proposed Section 9 and SBP. Work on the cost-benefit analysis is continuing. Jim commented that water utilities had achieved significant revisions and relief in the regulations as currently drafted and that the Council's position should be one of support. Jim also reported that the

draft of narrow scope legislation would eliminate the requirement for Certificate of Designations for waste impoundments and disposal operations at drinking water treatment facilities, which is broader relief than just waste impoundments.

Wastewater Report—August meeting--Al Baker

- With others discussing nutrient criteria, Al limited his remarks to wastewater facility design criteria. Al mentioned that CDPHE had just convened a workgroup to address a significant number of comments generated on the first draft of the Revised Policy 96-1.

Water Conservation Committee—Jeannine

- Jim Miller, speaking for Jeanine, reminded members that Draft guidelines had been issued by the CWCB and the public comment period would close on October 29. The document, which has been distributed electronically to members is entitled “Guidelines Regarding the Reporting of Water Use and Conservation Data by Covered Entities” and is dated August 31, 2011. These proposed guidelines implement HB10-1051.

Membership Committee Report--Greg

- Please send updates to Greg.

Next Meeting

- The next meeting will be from 10:00am to 12:00 on October 7th at Denver Water’s Threes Stones Building.