



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

MINUTES
COLORADO WATER UTILITY COUNCIL MONTHLY MEETING

June 4, 2010 10 a.m.

Denver Water

1600 W. 12th Avenue
Kassler Room, Three Stones Building

Remarks from the chair—Tom Mountfort

- On May 28th, a torn conduit caused Denver Water to issue a boil water alert. The loss of water effected a significant portion of the metro area—from 10th to 24th, and Federal to Tenneson. Their response included the boil alert, handing out bottled water, use of door hangers, and reverse 911 to notify residents. The leak was fixed, directionally flushed, and residents were again notified via reverse 911 to call off the boil alert.
- In mid-May, Aurora, Arvada, Denver Water, and Fort Collins met with Janet Keiler and Steve Gunderson to discuss possible permitting alternatives to CDPHE's low risk discharge guidance for discharges of potable water.

CDPHE chose not to permit potable water because there is only a very slight chance of it causing an environmental impact. There is no such thing as being completely safe from being sued. Steve has been a strong supporter of the low risk guidance. The state needs to put resources where they have impact. Even statewide general permits are resource intensive.

Janet conceded that the State's enforcement section does not like the policy and that EPA reluctantly accepted it the guidance. She said it is possible to apply for an individual permit, but there will almost certainly be limits and monitoring requirements. Steve thinks the new pesticides rule may provide an option. This rule allows for the coverage of certain sizes without a permit. Perhaps this could work for low risk discharges also. Steve and Janet will discuss the various possibilities with Ron Falco. Steve will also discuss it in his June Division Directors report. Perhaps it will need to be brought up before the WQCC.

- There are some amendments that will be on the ballot this fall that will very likely reduce utility revenues, require utilities to start paying property taxes, and will only allow the issuance of bonds if they are voted on. Arvada has a PowerPoint that will be sent out to the group. The CWUC will draft an educational (not an opinion) letter about the potential impacts of the amendments on utilities. Jim McCarthy volunteered to draft it. Tom Mountfort will check on who we write the letter to.

CDPHE—Ron Falco

- Fee Bill—Progress on the fee bill is going slow. In regards to drinking water, many of CDPHE's immediate needs can be met with federal funding; however, a relatively small number of FTE is expected to be included in the fee bill. The next step will be small group meetings to provide an opportunity for dialog but it is unknown when those will occur.
- There will be a rulemaking hearing in August for changes to the groundwater disinfection requirements. Two entities have applied for party status. It is still possible to provide comments but party status had closed.
- CDPHE is continuing their optimization training. Registration is currently closed but Fall 2010 dates will be posted on the website soon. Each system that completes the training will receive a free chlorine tester.
- The Policy 4 guidance is just about complete. It will be sent to Jim Miller for content input.
- Keep a close eye on your mailbox--annual invoices will be sent in July or August.

Approval process for letters on Council letterhead

- What sort of approval process do we need for letters on Council letterhead? If the membership has voted to draft a procedural type of letter, does anyone besides the officers need to see letter? There have been times when the Council has acted without consensus and there have been times when a utility name has been included in a letter but the utility did not necessarily want their name on it. There was quite a bit of back and forth discussion on this topic.
- Historically, a board officer plus board members make the final approval. Taking a position requires the Council to have unanimous support but making comments does not.
- Is one option to have the letter state that the Council is split and give entities the option to include their names if opposed/or perhaps a majority and minority opinion? In the past, the goal of the council has been unanimity--if don't have unanimity, we don't move forward with the letter. If/when that happens, individual utilities may express their opinions in a letter on their own. If your utility does not participate in a meeting when there is a vote, you lose your vote. If a utility is present and disagrees the proposed action, but they do not want to hold up the Council from moving forward, they may abstain instead of opposing.

- It was decided to revisit our bylaws to help us decide how to move forward. Tom will send the bylaws to all. This item will be put on the August agenda for further discussion.

Legislative Update

- Jim Miller has drafted a position statement on the fee bill. No one had issues with the general idea of the first five items in the statement. He will insert language that we have unanimous agreement on the five issues.

Water Conservation Committee--Alyssa

- Water conservation best management practices (BMPs) are available from Colorado WaterWise. Alyssa saw a brief presentation on the BMPs and was impressed with them. They will be helpful for developing a water conservation plan. There will be three workshops on the bmps. Alyssa will let us know of the exact dates and locations

Wastewater, May 12th meeting--Al

- A representative from the Hughes & Stuart marketing firm lead a discussion about how to get public buy-in on rate hikes.
- CDPHE is piloting the idea of submitting Discharge Monitoring Reports electronically. A few utilities have already volunteered to try it out.
- Two attorneys, Tad Foster and John Hall, have written a white paper on the evaluation of nutrient criteria adoption on Colorado municipal and commercial interests. They have also suggested a further scope of work regarding nutrient criteria for lakes and streams. They are requesting \$150,000 - \$200,000 for this work. One point they make is that there should not be nitrogen standards because there is not a good correlation with aquatic life.
- Minutes from this wastewater meeting are posted at <http://cwwuc.org/>.

Water Quality and Policy Committee—Jim Miller

- Jim will draft a letter to the Colorado Water Conservation Board regarding their proposed revisions to the regulatory floodplain. In it, he will invite a CWCB representative to make a presentation at our August meeting. The letter will also request a formal regulatory analysis as well as a cost-benefit analysis. In the time between the meeting and the writing of the minutes, the letter was written and sent to the CWCB. See Attachment A.

- The monthly report of the Water Quality and Policy Committee is attached as CWUC Water Quality and Policy Chair Report June 2010.doc.
- Section 9 Regulation and Statement of Basis and Purpose
There was a Section 9 stakeholder meeting on June 3rd. Utility council got most of what we've asked for, including the exclusion of the Type C impoundment. There are now 18 categories of exemptions in regulation.

Do we like the regulation enough not to pursue legislation beyond the State's original bill wording? If we want to run one that is broader than the original cdphe wording, we only have a month or two to find a sponsor for the bill.

More discussion is needed on the definition of the term "discard". Solid Waste is of the opinion that it has been adequately addressed in the statement of basis and purpose, but is still a point of confusion. For instance, has the water in backwash ponds been discarded?

Solid Waste expects to finalize the regulation in September. The hearing is scheduled in November. The regulation will become effective 45 days after that.

Contact Jerry Henderson or Charles Johnson if you are interested in participating in piloting the draft regulation;

Water Quality Forum (WQF)--Jim McCarthy

- Overviews and presentations of recent WQF meetings can be found at <http://www.cwqf.org/>.
- There is also a PowerPoint on the website describing how to measure the benefits of nutrient criteria.;
- The Forum's retreat is July 29-30. At the retreat, a list is generated of all the topics the Forum will track, and new subcommittees are formed.

Membership committee report--Greg Moore

- Send updates to Greg.

Open discussion

- In the future, utilities on the western slope will be participating in CWUC meetings by phone, from a central location. It is likely they will rotate between the areas of Grand Junction, and Glenwood/Rifle.
- Our next scheduled meeting is on August 6th, same time and place.