

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

MINUTES
COLORADO WATER UTILITY COUNCIL MONTHLY MEETING

April 2, 2010 10 a.m.

Denver Water

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

Remarks from the chair—Tom Mountfort

- Tom has spent a significant amount of time mopping up after a recent news story aired regarding an alleged asbestos waste disposal site at Denver Water's Foothills plant. The story has generated residential concerns in addition to garnering attention from state and county health departments. There was a multi-agency inspection of the plant on March 30 that included inspectors from state Hazardous Materials and Waste Management, Air Pollution Control and Water Quality Control divisions, Tri-County Health Department and Douglas County. The inspectors found no evidence of improper burial of asbestos, nor any evidence to justify the collection of soil samples at the site. There is a 4-page fact sheet on the inspection findings at: http://www.cdphe.state.co.us/release/2010/FoothillsWTPfactsheet_03312010.pdf.

CDPHE—Today is a furlough day for State employees

- When Sean Lieske spoke with Ron Falco recently, Ron said he is willing to review CWUC comments on the upcoming fee bill. Jim Miller emailed Ron fee bill-related questions this morning. They are on page 6 of this document.

WQP #27 and Permitting Options

- On page 7-8 of this document is a draft letter to CDPHE discussing the use of MS4 permits as discharge permits for potable water discharges. Before the letter was sent to CDPHE, Sean received comments about this approach from Nathan Moore (State municipal stormwater permit coordinator). While the MS4 permit literally authorizes firefighting flow and storm

water, other flows are not authorized. In Nathan's opinion, discharges of potable water would not be an authorized "permitted" discharge.

The CWUC is split on this issue. Some are content with the guidance from the Division; others would like a solution that provides permit coverage. The idea of the development of a Permit-By-Rule for potable water discharges was discussed. This type of permit is simpler and less resource intensive than a wastewater discharge permit. The concept of a permit-by-rule is implemented in various instances throughout the nation where a process/operation is not likely to cause environmental concern but the process still needs a permit. Some permits-by-rule (such as 40 CFR Part 270.60) look very similar to the guidance the State has issued on this topic except that it is called a permit. Aurora, Denver Water, and Fort Collins are interested in pursuing this route. Tom will set up a meeting with CDPHE.

Definition of State Waters

- When the only way for water to enter a reservoir is either through rain, snow melt, or a pipe, the reservoir is referred to as a "terminal" reservoir. During the February Water Quality Control Commission hearing, two terminal reservoirs (Quincy and Marston) were added to Colorado's Monitoring and Evaluation List because there is uncertainty about whether or not the reservoirs are meeting the dissolved oxygen standard. During the hearing, the argument was made that terminal reservoirs are not state waters and therefore, the State may not impose water quality standards on them. There will be continued discussions between State staff and water providers regarding whether or not terminal reservoirs are state waters. Additionally, there will be discussion about the application of the state waters definition being applied consistently across the state.

Nutrient Criteria

- CDPHE is looking for participants in a lakes/reservoirs nutrient criteria study; sampling will occur biweekly from May through September of 2010. The objective of the study is to gain a better understanding of the relationship between disinfection byproducts and nutrients, organic carbon, and chlorophyll. Arising from that understanding, will be a nutrient standard for lakes/reservoirs that is an effective management tool for reducing or maintaining disinfection byproduct formation potential. For more information, see pp. 9-11. If you are interested in participating, contact Maggie Pierce, Standards Unit, Water Quality Control Division by phone at 303-692-3577 or by e-mail at maggie.pierce@state.co.us
- Mary Fabisiak is the coordinator of the Water Quality Forum's (WQF) nutrient criteria work group. The CWUC is interested in obtaining the help of AWWA's Rocky Mountain Section on the development of positions regarding the importance of nutrient criteria to the drinking water community. The backing of the Section will provide more weight to the positions when the CWUC works to help the Water Quality Control Commission understand the importance of nutrient criteria to water providers. Recently, Mary met with the executive committee of

AWWA's Rocky Mountain section to ask for their support on the issue of nutrient criteria. The chair of the executive committee needed to recuse himself because he is in the business of wastewater. The executive committee was hesitant in providing support.

From the perspective of the Section Director, the committee is not opposed to the idea but there is some concern. The Section needs to exercise caution with their support so that it is not construed as a lobbying action. Lobbying would cause the Section to lose their tax exempt status. The section director suggested that we provide more education to the board. To that end, the Council passed a motion to form a nutrient criteria work group with Mary as it's chair. If anyone is interested in joining the work group, please contact Mary at 303-658-2187 or mfabisia@cityofwestminster.us.

- The next meeting of the WQF's nutrient criteria work group is on 4/13. The cost of nutrient criteria is the main agenda item. At the May 11th meeting, the work group will discuss the benefits of nutrient criteria.

Legislative Committee

- The following bills may be of interest to water providers: 1051, 1161, 1188, 1358, and 1348.

Water Conservation Committee

- Water smart grants are available through the bureau of reclamation.
- The Governors energy office is offering rebates related to water efficient products for residents.
- The Waterwise best management practices guide is available at <http://coloradowaterwise.org/>
- The Rocky Mountain section of the conservation committee is moving forward with a certificate program. Program info may be purchased from Oregon.

Water quality and policy committee

- HB10-1384 Jim Miller provided testimony regarding this bill. His written testimony is on pp. 12-13.
- See pp. 14-15 for the initial draft of a position statement about the fee bill. The bill is for the 2011 legislative session and it is expected that it will be developed by October 2010. The goal is to formulate our position on the fee bill in writing before the Colorado Municipal League weighs in. There will likely be portions of the bill where we do and do not have unanimous agreement within the CWUC; perhaps this is how we should present our comments. Please provide any comments to Jim, or be prepared to discuss at our May meeting. In the work of

drafting the fee bill, some questions came up for Ron Falco. Those were sent to Ron in early April.

- The monthly report of the Water Quality and Policy Committee is on pp. 16-18.
- There will be a meeting on April 29th at 9 a.m. to discuss modifications to the microscopic particulate analysis procedure. These modifications are a result of the adoption of Policy 4. The meeting location is Denver Water's Marston plant. For more specific information, see pp. 19-20.
- The next meeting on impoundment regulations has been rescheduled for April 20th. CDPHE has provided a statement of basis and purpose. It can be found at <http://www.cdphe.state.co.us/hm/sw/section9/index.htm>.
- There is a hearing on 15th of April in Loveland, from 1-9 on insitu uranium mining.
- We discussed making an amendment to the CWUC membership database to better convey the weight of who we are. Jim made a motion to amend the membership database to provide additional information, such as population served, account information, etc. Sean seconded the motion. The motion passed.

Wastewater

- When the minutes are posted (not as of this writing) they will be at <http://cwwuc.org/minutes/index.htm>

Water Quality Forum (WQF)

- Overviews and presentations of recent WQF meetings can be found at <http://www.cwqf.org/>

Membership committee report-Greg Moore

- Send updates to Greg.

Open discussion

- **Backflow**—A few years ago, when metal prices were high, there were several incidents of stolen backflow assemblies in South Adams County. Three customers of South Adams Water and Sanitation District were victims of theft. The District is cooperating with police to investigate these cases.

- Our next scheduled meeting is on May 7th, same time. The location will be at Westminster's Reclaim Facility at 13070 N. Huron St.

CWUC Questions for Ron Falco_April_JBMc

April 2, 2010

Regarding a CDPHE/WQCD fee bill to be introduced in the fall of 2010

Questions/Follow-up for Ron Falco:

To help provide support for WQCD programs, it helps the CWUC to know what parts of the programs are to be funded by the General Fund (GF)—not just a percentage. With that as background:

1. What is your opinion/Division's opinion regarding the aspects of the WQCD mission that should be funded by the State's General Fund? Similarly, with Federal Funds?
2. Concerning policies, guidance documents, regulations, stakeholder meetings, design criteria, documents that will be worked on over the next three years: Can you provide CWUC a list of those policies, guidance documents, regulations, stakeholder meetings, and design criteria documents that would be worked with additional funding and without additional funding? Also, where does current funding come from to support these efforts?
3. Are there any institutional or structural flaws that need correction which pertain to budgeting/staffing/funding. Said another way how will additional funding help with any institutional or structural flaws that need correction.

Date

Dave Akers
Program Manager
Water Pollution Control Program
Water Quality Control Division
Colorado Department of Public Health & Environment
4300 Cherry Creek Dr S
Denver, CO 80246-1530

Re: WQP-27 - Low Risk Discharge Policy &
Guidance on Potable Water Discharges

Dear Mr. Akers:

The Colorado Water Utility Council (the Council) has recently been involved in a number of discussions associated with the Water Quality Control Division's (the Division) implementation of WQP-27 – Low Risk Discharges as it applies to potable water discharges. While the Council would agree with the Division's assessment of potable water discharges posing a low risk, we cannot overlook that these discharges are still considered a pollutant and neither the Clean Water Act (CWA) nor the Colorado Water Quality Control Act (CWQCA) exempt dischargers of low risk pollutants from obtaining a permit.

More specifically, the CWA states, "Except as in compliance with this section and sections 302, 306, 307, 318, 402, and 404 of this Act, the discharge of any pollutant by any person shall be unlawful." Sections 302, 306, 307, 318, 402 and 404 allow the discharge of pollutants provided the discharge is permitted and meets specific conditions. Furthermore, the CWQCA states, "No person shall discharge any pollutant into any state water from a point source without first having obtained a permit from the division for such discharge, and no person shall discharge into a ditch or man-made conveyance for the purpose of evading the requirement to obtain a permit under this article."

WQP – 27 actually acknowledges the requirements of the CWA and CWQCA by stating "While regulations do require that operators of point source discharges obtain a CDPS permit....." The policy then goes on to state that the Division will use its discretion and will not take enforcement against an operator of an unpermitted discharge should they prove they are following appropriate BMPs identified in guidance. However, the document makes it clear that the policy does not protect the operator from third party lawsuits and/or federal enforcement even if appropriate BMPs are implemented. Thus, if an individual or group decided to litigate or if the federal government decided to take enforcement for discharging without a permit, water utilities that are discharging potable water would not be protected even if they were operating according to WQP-27.

Since the Division recently repealed the general permit for potable water discharges, various members of the Council feel that it may be necessary to pursue individual permits due to the potential risk of litigation; however, an alternative to obtaining individual permits was recently presented to the Council and seems like a practical option should the Division agree with the approach. According to the following language in Phase I and Phase II Municipal Separate Storm Sewer System (MS4) permits, the permittee can develop a list of allowable non-stormwater discharges: "The permittee may develop a list of occasional and/or incidental non-stormwater discharges that are excluded from the prohibition against non-stormwater discharges. These discharges must not be reasonably expected to be significant sources of pollutants to the MS4, because of either the nature of the discharges or conditions the permittee has established for allowing these discharges to the MS4." If MS4 permittees were to modify their programs to allow potable water discharges in accordance with this permit language and provided the discharger implemented appropriate Standard Operating Procedures and Best Management Procedures (these have already been developed in accordance with the

repealed general permit), could water utilities argue that their potable water discharges are permitted? In other words, would the Division consider these discharges to be permitted in accordance with the CWA and CWQCA? Seems like in order to protect ourselves from 3rd party lawsuits, we need something in writing to ask if the Division would make a statement that

The Council requests a written response from the Division on the potential for the utilization of the MS4 permit as a means to permit potable water discharges. Should the Division find fault with this approach to permitting of potable water discharges, the Council would request a meeting with the Division to evaluate other options, such as permit by rule, authorization of potable water discharges under the MS4 permit or reissuance of the general permit. As previously mentioned, if an alternative to WQP-27 is unable to be reached, many water utilities may decide to pursue individual permits, which is something we would all like to avoid.

The Council looks forward to working with the Division on finding a possible solution to this dilemma.

Respectfully,

Cc: Janet Kieler
CWUC Members

STATE OF COLORADO

Bill Ritter, Jr., Governor
Martha E. Rudolph, Executive Director

Dedicated to protecting and improving the health and environment of the people of Colorado

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Colorado Department
of Public Health
and Environment

March 21, 2010

To: Public Water Suppliers and Other Sampling Entities

From: Standards and Drinking Water Capacity Building Units,
Water Quality Control Division

Subject: Nutrient Criteria for Protection of High-Quality Water Supply Reservoirs

The Standards and Drinking Water Capacity Building Units of the Water Quality Control Division are undertaking a study with which we would like to engage your participation. Our objective is to develop a proposal for a nutrient standard to help better manage Colorado's lakes and reservoirs which may reduce the formation potential for disinfection byproducts (DBPs). We will select the proposed standards based upon a better understanding of the relationship of DBPs with nutrients, organic carbon, and chlorophyll. We anticipate that the proposal will be a chlorophyll standard to support a new High-Quality Water Supply Reservoirs sub-classification to the existing Water Supply use classification.

This sub-classification for High-Quality Water Supply Reservoirs would not automatically apply to all high-quality or direct-use water supply reservoirs but would be applied to individual reservoirs through the basin regulation rulemaking hearing process. Our proposal will be part of a larger proposal for nutrient standards for which a rulemaking hearing is scheduled in June 2011.

Background: This developmental effort is at the nexus of the Safe Drinking Water and Clean Water Acts. We anticipate that this study will either confirm the conclusions of other research, such as that in New York¹, that chlorophyll *a* is an effective management tool for reducing or maintaining disinfection byproduct formation potential (DBPFP) in Colorado lakes and reservoirs, or identify other parameters suitable for standards development. *Controlling algal growth may result in several benefits for drinking water utilities in Colorado, including less coagulant usage and/or relying less on activated carbon for taste and odor control efforts.*

Data collection effort: We will be collecting data from two different tiers of study sites. Data from both types of sites will be used to support criteria development. The sampling for which we are requesting your assistance is described below as the "intensive sampling." A summary of the synoptic sampling has been included for informational purposes only.

¹ Final Report for the Disinfection By-product/Algal Toxin Study prepared for U.S. EPA Region 2 by Clifford W. Callinan

Accommodations to the sampling protocol can be made; however, the analyses for all constituents except metals will occur through the University of Colorado at Boulder in order to achieve comparability among the data generated.

Synoptic sampling: A set of 20-30 lakes will be sampled by the Water Quality Control Division once this July or August. The objective of this effort is to investigate the relationship between DBPFP and algae, nutrients, and other constituents (see Table 1). This information will help us develop a nutrient criteria proposal. The selected time period targets the height of the algal growing season, when the potential for algal production to increase DBPFP is at its greatest. We are targeting lakes that span a gradient of chlorophyll in order to optimize our ability to characterize a relationship between chlorophyll and DBPFP. State staff will conduct this sampling effort and we are not asking utilities to assist with this task.

Intensive sampling: A set of approximately 10 lakes, depending on the number of public water systems participating, will be sampled biweekly from this May through this September. The data will be used in the investigation of the relationship between DBPFP and algae, nutrients, and other constituents (see Table 1). In addition, we anticipate that the data generated from this sampling will help us characterize changes over the summer season and capture unanticipated circumstances such as algal blooms or DBP spikes. We will provide the necessary bottles for samples to be analyzed at CU; however, there are some contributions that we are asking of the utility/sampling participants:

1. Labor: We are asking participants to collect samples every two weeks and have the means of accessing the sample site locations and have the necessary equipment to conduct the sampling.
2. Field Data: We are asking all participants to profile their lake or reservoir for the following parameters at the time of sampling all biweekly samples:
 - pH
 - Dissolved oxygen (DO)
 - Temperature
 - Secchi depth
3. Shipping: We are asking participants to cover the costs for shipping/delivering samples to the University of Colorado in Boulder.
4. Sample preservatives (if necessary)

Generalized sampling protocol:

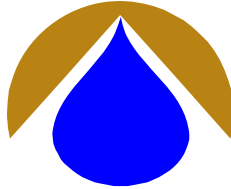
- We are asking that samples be collected at two depths: one sample near the surface (within epilimnion or photic zone) and one sample at the depth of your intake (if different from epilimnion or at a location below the epilimnion at the deepest part of the lake if no intake structure is present).
- As mentioned above, in addition to collecting the water samples, we are asking that participants to profile their lake/reservoir for the following: pH, DO, temperature, and Secchi depth.
- A detailed sampling protocol along with the necessary bottles will be provided to each participant.

Table 1. Sample Analyses for the Intensive and Synoptic Sampling Approach

Analyses for intensive sampling	
Near-surface (10/lake)	DBPFP, chlorophyll <i>a</i> , dissolved organic carbon, total organic carbon, total nitrogen, nitrate+nitrite, ammonia, total phosphorus, UV254, algal enumeration and speciation
At-depth (10/lake)	DBPFP, dissolved organic carbon, total organic carbon, total phosphorus, and UV254
Analyses for synoptic sampling	
Near-surface (1/lake)	DBPFP, chlorophyll <i>a</i> , dissolved organic carbon, total organic carbon, total nitrogen, nitrate+nitrite, ammonia, total phosphorus, UV254, algal enumeration and speciation, and metals (arsenic, manganese, iron, etc.)
At-depth (1/lake)	DBPFP, dissolved organic carbon, total organic carbon, total phosphorus, and UV254 and metals (arsenic, manganese, iron, etc.)

A detailed sampling protocol identifying collection method, sample volume, holding times, and preservatives will be provided if you are interested in participating. ***If you do not currently analyze for metals and are interested in having some samples analyzed for metals, the CDPHE lab may be able to perform the analysis.*** Other adjustments and accommodations for existing sampling programs are possible.

Please contact Maggie Pierce, Standards Unit, Water Quality Control Division by phone at 303-692-3577 or by e-mail at maggie.pierce@state.co.us with any questions or to let us know you of your interest in participating.



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

Testimony on HB10-1384 before the Transportation and Energy Committee
A Bill for an Act Concerning Increased Regulatory Authority Regarding Radioactive Materials

Introduction

HB10-1348 is of interest to water utilities. The bill applies to classified radioactive materials which is a current issue for many water treatment systems and an emerging issue for many others. "Classified" material includes TENORM (Technically Enhanced Naturally Occurring Radioactive Material) [CRS 25-11-201]. Water treatment residuals may be classified as TENORM.

Background

The Solid Waste program of CDPHE is currently developing waste impoundment regulations. For TENORM related wastes, the Radiation Program of CDPHE is delegating responsibility to the Solid Waste Program.

Water utilities have been participating in stakeholder meetings for 19 months with our principal interest in the development of predictable regulations and criteria that enable utilities to plan and budget. The stakeholder process has been drawn out by the complexity of applying definitions and rules appropriate for solid waste disposal sites and facilities (landfills) to drinking water facilities.

CRS 25-11-201(1)(b)(1) currently excludes the residuals, or sludges from the treatment of drinking water by aluminum, ferric chloride.....but this exclusion is likely to change or be superseded by new licensing requirements imposed for water treatment residuals by CDPHE-Radiation Program or by CDPHE-Solid Waste to implement draft guidance on TENORM developed over the last several years. The threshold where a Radioactive Material License becomes necessary is not precisely defined at this time. A license will more likely be needed for waste disposal practices concentrating radium. A license requirement is also possible at drinking water facilities removing and concentrating uranium but probably only at facilities where uranium is present in raw water at high concentrations.

The Attorney General's office has recently interpreted, much to the surprise of water utilities, that water treatment plant(s) meet the statutory definition of a "Solid Waste Disposal Site and Facility" regardless of whether final disposal occurs on the site. As a result of this new interpretation, CDPHE has indicated that it would support eliminating the statutory language requiring Certificates of Designation for water treatment plants and only require Certificate of Designations in specific waste impoundment and most likely final disposal situations. The water utilities will introduce a legislative amendment in 2011 to follow through on this matter of coordination. These regulatory revisions are recognized by both parties to avoid unreasonable requirements placed on water utilities.

Exclusionary Language at CRS 25-11-201(1)(c) May Change

This paragraph states:

Nothing in this part 2 shall be deemed to apply to the treatment, storage, management, processing, or disposal of solid waste, which may include naturally occurring radioactive material as defined in section 25-11-101(2.7), and tenorm as defined in this section, either pursuant to a certificate of designation issued under Article 20 of title 30, CRS, or at a solid waste disposal site and facility considered approved or otherwise deemed to satisfy the requirement for a certificate of designation pursuant to Article 20 of title 30 CRS or section 25-15-204(6).

Legislation contemplated by water utilities (not yet introduced) to coordinate the ramifications of the Attorney General's interpretation explained above combined with additional water utilities impacted by licensing requirements, will remove or alter this exclusionary language. Therefore, coordination of language and regulations is relevant.

Groundwater Standards

On line 7 of page 2, the words "groundwater standards" are used. This term is ambiguous for water systems that are subject to the regulations of multiple agencies. Water systems need clarity with regard to applicable standards for budget and planning purposes. Water utilities would prefer the preciseness of the phrase "Water Quality Control Commission Regulation No. 41, Basic Standards For Groundwater" in lieu of the ambiguous phrase "groundwater standards".

Similarly, line 23 of page 10, for consistency, consider rewording paragraph (C) to read: THERE ARE NO CURRENT RELEASES TO THE AIR OR SURFACE WATER THAT EXCEED PERMITTED LIMITS, OR TO GROUNDWATER THAT EXCEEDS WATER QUALITY CONTROL COMMISSION REGULATION NO. 41, BASIC STANDARDS FOR GROUNDWATER.

Definition of Disposal

On line 5 of Page 8, the term "DISPOSAL" is an ambiguous word for water utilities subject to regulations of multiple agencies. Water systems need clarity on this word. Please add the citation [CRS 25-11-101(1.5)] after the word DISPOSAL.

Position on the HB10-1384

With the clarifications described above, the Colorado Water Utility Council supports the bill.

The Colorado Water Utility Council's (CWUC) purpose is to develop action programs to initiate, evaluate, respond, and comment within the framework of the Rocky Mountain Section of the American Water Works Association and the Association's policies on legislative, regulatory, and other matters which directly affect water utilities of Colorado.

Attest March 18, 2010:

Jim Miller, P.E.
Chair, Water Quality and Policy Committee
Colorado Water Utility Council
Jim.miller@denverwater.org

Colorado Water Utility Council Draft Position Statement

The Council (CWUC) has sought to understand the issues, circumstances, and practices that affect the staffing and funding of Colorado regulatory agencies with jurisdiction over water supplies, potable water treatment facilities, water distribution systems, and related matters. The Council has adopted the following positions regarding funding, staffing, and related issues. The statements below apply to the Colorado Department of Public Health and Environment (CDPHE) and to the Water Quality Control Division (WQCD) and Hazardous Material and Waste Management Division (HMWMD).

1. The Council supports Colorado primacy with regard to implementation of the Safe Drinking Water Act. The Council enjoys and prefers the interface with familiar state officials and the ability to discuss, debate, and influence the discretionary aspects of policy development, regulatory revisions, and implementation and administration.
2. The Council supports open and transparent discussions of the needs of the regulated community as well as the priorities and initiatives of the CDPHE and its Divisions.
3. The Council supports a regulatory and policy development approach that seeks stakeholder input prior to major programmatic changes or delegation of responsibilities to implementing agencies.
4. The Council supports opportunities for stakeholder participation on regulatory revisions and with regard to the development of policies, facility design criteria, and water quality standards.
5. The Council supports a formal process for rulemaking and policy development. Now that drinking water rules and regulations are now longer adopted by the State Board of Health, formal rulemaking and policy development is before the Water Quality Commission. In this regard, the CWUC requests that matters of interest to drinking water facilities be scheduled and managed in a manner similar to other matters currently before the WQCC.
6. The Council does not support:
 - a. Practices that allow adoption of new rules, regulations, or policies without identification of requisite resources for implementation and administration.
 - b. Practices that allow the adoption of new rules, regulations, or policies on the presumption those resources necessary to implement and administer will be forthcoming in the future.
 - c. Deterioration of service benchmarks.
 - d. Fees collected in excess of statutory spending authorities.
 - e. Fees spent for any other purpose than what they were collected for.
 - f. Federal dollars allocated to drinking water related purposes spent on any other purpose.

General Fund

1. The Council supports the use of general fund monies for the following purposes:
 - a. Emergency spill response.
 - b. Fish kill response.
 - c. Department and Division responses to disease outbreaks and public health emergencies.
 - d. Department and Division participation in stakeholder meetings, workgroups, and other public forums.
 - e. Costs associated with non-community water systems not otherwise recovered through fees.
 - f. Compliance assistance programs such as CO-Star, CO-Rads, Excellence Program, etc.

Fees

1. The Council supports the use of fees to offset costs associated with:
 - a. Design reviews.
 - b. Permit issuance.

c. Sanitary surveys.

State Matching Dollars

1. The Council supports maximizing the leveraging of state funds to serve as match to obtain federal funding.
2. The Council supports the ability to use excess permit fees in addition to, or in-lieu of general fund monies to serve as match to obtain federal funds.
- 3.

Federal Funds

- 1.

Coordination with CML Policy Statement: April 2, 2010

Urges the state to avoid or exercise restraint in relying on fees, charges and other cash funding of programs that affect municipalities, especially in the areas of technical assistance, in programs where municipal participation is mandated by state law, and in regulatory programs that affect municipalities.

CWUC Water Quality and Policy Chair Report April 2010

<p>2011 WQCD Fee/Funding Legislation</p>	<p>First of four meetings occurred March 4, 2010 Second Meeting to address specific resource needs to occur in April Third Meeting to present fee options to fund WQCD/Stakeholder identified positions. Fourth Meeting for discussion of Division/other options on fee increases. October 2010 goal of draft legislation.</p>
<p>HB10-1348</p>	<p>A bill for an act concerning increased regulatory authority regarding radioactive materials. Passed Transportation and Energy Committee on 11-0 vote. CWUC provided testimony and indicated CWUC support as amended. See handout of testimony.</p>
<p>HB10-1329</p>	<p>A bill for an act concerning solid waste fees.</p>
<p>Draft Federal Legislation to amend SDWA “Drinking Water Security Act” (introduced at committee level)</p>	<p>The “Drinking Water Security Act” appears to be moving forward with recent decisions to place water treatment plant security under the jurisdiction of EPA with provision for local primacy agency discretion.</p> <p>AMWA and AWWA representatives are somewhat naïve about primacy agency staffing and understanding of the issues and this represents a serious disconnect.</p> <p>Effects systems larger than 3,300 people. (Approx 134 water systems in CO). Requires vulnerability assessments, emergency response plans, and assessment of inherently safer technologies. Establishes 4 tiers of risk. Outlook for gaseous chlorine is poor. Allows State agency discretion to not require implementation of an IST [for water quality and perhaps other reasons]. AMWA and AWWA are watching and engaging into the debate.</p>
<p>CDPHE Proposed Drinking Water Design Criteria Revisions</p>	<p>CDPHE addressing significant comments received in October of 2007. CDPHE has commenced working on revisions. A revised draft document is expected in the fall 2010. Consider participation to address concerns regarding waste impoundment criteria and coordination amongst WQCD and Solid Waste programs.</p>
<p>CDPHE Policy 4 (Surface Water Treatment Compliance)</p>	<p>CDPHE is developing companion guidance documents. Solicitation of participants for a new workgroup to implement MPA adjustments is occurring with first meeting to occur April 29th, 9:00 am at Denver Water’s Marston WTP. See Handout . Jim Miller/Denver Water is leading workgroup.</p>

<p>Federal Proposed Stormwater Regulations Public Utilities Commission Rulemaking – Combined Water and Sewer Utilities 40 CFR Part 50 Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category – Proposed Rules</p>	<p>Published in Federal Register- Friday November 28, 2008 Vol. 73, No. 230, pages 72561-72614. Potentially establishes requirements for technology (i.e. treatment) based effluent guidelines for large construction sites meeting specific criteria. http://www.dora.state.co.us/ds-real/SB121-Download-File?file=19221/R09-1182-1-09R-150W.pdf Jim McCarthy/Arvada and Tom Mountfort/DW are probably the most knowledgeable on the subject. PROPOSED RULES REGULATING WATER AND COMBINED WATER AND SEWER UTILITIES, 4 CODE OF COLORADO REGULATIONS 723-5, FINAL RULE PUBLISHED Tuesday December 1st, 2009. 40 CFR Part 450 UNDER HOUSE BILL 08-1227. “Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category: Final Rule November 25 and December 1 Comment Deadlines</p>
<p>CDPHE - HMWMD Solid Waste Section 9 Revisions (Waste Impoundments)</p>	<p>A rulemaking hearing will now occur no sooner than August 2010 most likely in the fall, but perhaps as late as February 2011.</p> <p>The next large group stakeholder scheduled for April 20th has been cancelled.</p> <p>There has been a recent CDPHE-SW/AGO determination that all water treatment plants meet the definition of “Solid Waste Disposal Site and Facility” and therefore are required to obtain Certificates of Designation from County/Local Governments.</p> <p>A Draft Statement of Basis and Purpose is available as of March 3, 2010.</p> <p>The council voted in July 2009 with unanimous support to seek Party status at the rulemaking hearing.</p> <p>The council voted in October with unanimous support for pursuing a legislative amendment. Draft documents consisting of a Legislative Amendment and a Bill Summary are available. We are now on a track for a legislative amendment that will be introduced next summer for the 2011 session with the content of the legislation dependent on the stakeholder process.</p> <p>CDPHE released a revised Draft Section 9 in January 2010.</p> <p>Contact Jim Miller/Denver Water or any workgroup member.</p>
<p>In-situ Uranium</p>	<p>DRMS/Mined Land Reclamation Board has issued reconciled draft regulations dated October 20 . Rulemaking hearing has been scheduled. Opportunity for Party status has closed. The deadline for written public comment has passed. Visit the DRMS/DNR website to see posted comments and entities that have sought party status. Contact Jim Miller/Denver Water for more info.</p>
<p>Membrane Treatment Workgroup</p>	<p>Recent postings to www.cwqf.org including ECCV ZLD Pilot Testing Presentation, ECCV ZLD Pilot Study Report, RO Concentrate Disposal, Still coordinating ZLD pilot study funding and timeline.</p>

<p>CWUC Policy Statement on WQCD Funding of Policy Development, Regulation Development, and Design Criteria</p>	<p>Jim Miller, Josh Baile, Jim McCarthy are leading effort. WQCD has commenced a multiple meeting effort in advance of proposed 20111 fee legislation.</p>
<p>Nutrient Criteria</p>	<p>Mary Fabisiak/Westminster or Jim McCarthy/Arvada are the most knowledgeable.</p>
<p>CDPHE Proposed Revisions to Wastewater Facility Design Criteria</p>	<p>CDPHE efforts have been postponed to September 2010. Consider participation to address perchlorate concerns from sodium hypochlorite storage/degradation and impoundment criteria/coordination.</p>

From: "Miller, James M." <Jim.Miller@denverwater.org>
To: "Lohman, Stephen" <Steve.Lohman@denverwater.org>, "Hale, Bruce" <Bruce.H...>
CC: "Mountfort, Tom" <Tom.Mountfort@denverwater.org>, 'Josh Baile' <jbaile@e...>
Date: 3/31/2010 1:41 PM
Subject: FW: Policy 4 - MPA Adjustment Procedure
Attachments: 092909_Policy 4 for WQCC Hearing.pdf; MPA Sampling Procedure.pdf; MPA Providers.pdf

To: Colorado Water Utility Council members, Analytical Labs/MPA providers, CDPHE Drinking Water Program

Good afternoon: Most of you should have been expecting this notification/invitation of a meeting/telecon to occur on Thursday, April 29th at 9:00 am to discuss modifications to Microscopic Particulate Analysis (MPA) that CDPHE and water systems would like to implement as a result of the adoption of Policy 4.

Denver Water will host this first meeting which will be held at the water quality laboratory located at the Marston WTP located at 6100 West Quincy Avenue in Denver. Bring a photo ID.

Most of the water utilities are familiar with the issues and needs. MPA providers are encouraged to attend since modifications to ordering, analysis, reporting, and costs will be discussed. The discussion will begin with water utilities and CDPHE providing background on Policy 4 and the requested modifications. Subsequent meeting topics and dates will be discussed and selected.

If anyone would like additional background, please feel free to call me. Please pass this invitation on to others.

To participate in the telecon, dial 303-634-3800 (no code/pass-word). If you plan on attending in person or by telecon, please respond with an e-mail to jim.miller@denverwater.org

Thanks,

Jim Miller, Chair, Water Quality and Policy Committee.

-----Original Message-----

From: Chester Pauls [mailto:cfpauls@smtpgate.dphe.state.co.us]
Sent: Thursday, January 28, 2010 4:36 PM
To: Miller, James M.
Cc: Ron Falco
Subject: Policy 4

Jim,

Thanks for the call earlier today.

I have attached the final draft version of Policy 4. We are still developing our internal implementation plan so Ron has not signed it as final yet.

The issue we would like to address is adjustment of MPA removal levels to account for growth of non pathogens in the treatment train. My email to you of 12/23/09 provided some additional detail, so I have recopied it below since it's been a while since we started down this path.

In our conversation today, you requested that I identify the specific portion of policy 4 we desire to address. It is found on Page 6, Para 6b of the policy. It reads as follows:

MPA results are to be evaluated considering the effect of low influent particle concentrations and any significant growth of non-pathogens in providing an estimate of water system microbiological removal effectiveness. Raw

water particle count limitations are provided in the MPA sampling document (Reference 9). Public water systems may, on their own, or in conjunction with their analytical laboratory, make adjustments to particle removal rates provided that the water system includes the unadjusted particle removal value along with the adjusted value and the rationale and procedure used to make the adjustment.

I have also attached my Feb work schedule to facilitate my participation in any meetings that may be scheduled with WUC reps and lab reps to address this topic.

Finally, I attached the MPA sampling procedure. While we have the group assembled, we may want to ask if they would review the sampling procedure to make sure we have agreement on proper sampling technique.

Thanks Jim

Text of 12/23/09 email follows:

We have been working internally to develop an implementation plan for Policy 4.

One of the remaining topics that we would like to address is a consistent procedure for adjusting raw versus treated water MPA removal results to account for those situations where specific non-pathogenic microbes increase in number within the treatment process and skew apparent particulate removal levels below what a treatment plant is actually achieving.

Denver Water and some WUC representatives have been proponents of this adjustment. We would like to provide you the opportunity to propose a procedure that would result in an "adjusted" MPA removal level that would account for this factor.

We anticipate that the procedure would identify criteria for when the adjustment would be appropriate, the role of the laboratory in identifying when the criteria are met, and an associated methodology for adjusting the particle counts when determining log removal levels.

Since the adjustment will involve analyst judgement, we believe it would be appropriate to involve the major laboratories conducting MPA analyses in these discussions. We would be happy to be involved, recognizing that we do not currently have experience or data at our disposal that justifies what we believe to be a conceptually logical adjustment.

Perhaps the most efficient approach to achieving this "adjusted" MPA result would be for those utilities with experience in this arena to propose an approach and coordinate it with our office and the MPA analysts for review. If you have other suggestions for an approach we are open to considering them.

Would you please share this note with interested WUC representatives and advise us of their interest in pursuing this or another approach that will address this issue?

Thanks

Chet

Chester F. Pauls

Safe Drinking Water Program

Water Quality Control Division

Colorado Department of Public Health and Environment 303-692-3610

http://www.cdphe.state.co.us/wq/Drinking_Water/Drinking_Water_Program_Home.htm