



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

**MINUTES**  
**COLORADO WATER UTILITY COUNCIL MONTHLY MEETING**

**February 5, 2010 10 a.m.**

**Denver Water**

**1600 W. 12<sup>th</sup> Avenue**  
**Kassler Room, Three Stones Building**

**Remarks from the chair—Tom Mountfort**

- D.C. fly-in  
Josh is set up for the D.C. fly-in. Tom will make sure Josh gets reimbursed from the CWUC.
- The Mentoring Program  
Paul Farraro, administrator of the water/wastewater mentoring program, has had zero mentor requests from water folks. One suggestion was to encourage the use of the program during water training sessions. This may not increase users of the mentoring program because few individuals from small systems participate in the trainings. Clifton from the west slope was participating in today's meeting by phone. He was encouraged to use the mentoring program if he ever needs it and to help spread the word of it's availability. If there is some usage by water folks, then section funding for the program can be justified. It may be that small systems are bypassing the mentoring program and calling individuals directly for help.

**CDPHE—Ron Falco**

- New Executive Director of CDPHE  
Martha Rudolph was selected as the executive director of CDPHE. Howard Roitman will be the acting Environmental Program Director. Martha will stay engaged in select issues, including the Water Quality fee bill.
- The Budget
  - ◇ Bud O'Hara's December email to Senator Tapia, in support of continued general funding for CDPHE programs, was helpful in avoiding cuts to CDPHE general funding.

- ◇ There have been some questions about the funding of the drinking water program, and some individuals expressed the opinion perhaps public water systems ought to pay for the related expenditures.
- ◇ A draft budget will come out in March.
- ◇ The Intended Use Plan regarding the revolving fund program made it through the Joint Budget Committee, but not as easily as it usually does; there were some “no” votes.
  
- Changes to the Groundwater Rule have started.
  - ◇ Meetings were held in Jan. and Feb. In March, there will be an on-line review of the changes available. The rulemaking hearing date is August 9, 2010.
  - ◇ Waivers: It is likely that there will no new disinfection waivers issued.
  - ◇ Continuous chlorination: Clarification will be provided for the requirement for continuous chlorination prior to the first tap.
  - ◇ There are a few changes that will affect all systems not just groundwater systems, such as an update on some of the approved methods, a footnote to an LT2 table, and a few other minor errors.
  - ◇ Josh will keep the CWUC updated on the progress of this work group.
  
- Next Legislative Session Topic--Fees
  - ◇ Fees will be discussed at a meeting on March 4<sup>th</sup>, from 2-3:30. Phone conferencing may be available. CDPHE’s resource needs for both the drinking water and clean water (wastewater) programs will be discussed. There are at least three different ways of looking at resource needs: ASDWA’s resource model, CDPHE has an internal way of looking at it, and making comparisons (population served/resources) with other states.
  - ◇ The CWUC will support the Division by participating and attending. It was decided to form a subcommittee for this and participate as much as we can. Jim Miller and Sean Lieske volunteered to participate. If others are interested in participating, please do!
  
- Other Issues on the Horizon
  - EPA would like the state to start regulating pesticides and require wet testing.
  
- Changes to the Compliance Assurance Section
  - Rick Koplitz, Drinking Water Compliance Assurance Unit Manager, attended today’s meeting to let us know of a functional change to the Compliance Assurance Section. The section is now organized into three groups (by type of water system) and longer managed by rule. State staff has been assigned to each of the three groups and those staff will be responsible for all the rules that apply to the particular water system type. See next page for details.

TYPE OF SYSTEM	CDPHE STAFF CONTACTS
community ground water systems, and nontransient noncommunity ground water systems	Bryan Pilson, x-3318 Michael Sherry, x-3325 Aly Moores, x-3163
transient ground water systems	Bryan Pickle, x-3527 Desiree Jones, x-3538
surface water systems and GWUDI systems	Serenity Valdez, x-3519 Melissa McClain, x-3540 Robert Pohl, x-3254

### Legislative committee-absent

- Transbasin Water (mitigating encouraging) Bill  
Representative Pace’s “mitigating encouraging” bill died during our meeting.

### Water Conservation Committee—Josh Baile and Alyssa Quin

- Josh introduced Alyssa Quin. She works for Platte Canyon Water and is the conservation chair for the Water Distributor’s Forum (WDF). She is giving consideration to providing regular updates on water conservation to the CWUC.
- One current conservation issue for the WDF is draft legislation on water efficiency. The WDF is opposed to the water efficiency legislation because of the reporting that would be involved and because the use of the data is unknown.

### Water quality and policy committee—Jim Miller

- Jim gave a presentation at the Colorado Water Congress in January. The group is trying to decide if their water quality subcommittee will be reformed. The status is currently unknown. It would be beneficial to the CWUC if it was reformed because this is the group we were planning to look towards for support on the 2011 certificate of designation legislation. The PowerPoint of his presentation is attached as **Colorado Water utility Council 012710A.ppt**.
- Uranium  
Colorado mining regulators have finalized a hearing schedule for proposed state rules that will determine how Powertech can proceed with the uranium mine. From 1-9 on tax day, there is a public rulemaking hearing at the Embassy Suites Hotel in Loveland. It is unknown when the Mined Land Reclamation Board will make it’s final decision about the mine. A draft of the proposed rules, along with a Statement of Basis, Specific Authority and Purpose can be found at <http://mining.state.co.us/Rulemaking.htm>.

- Policy 4
  - Chet would like help on adjusting the approach to Microscopic Particulate Analysis. If you have contact information for labs that might be interested in helping with this, please send it to Jim Miller.
  
- Solid Waste Impoundment Regulation, draft
  - ◇ The newest draft technically includes three categories:
    - A = no risk;
    - B = low and high risk;
    - C = is a risk to the public or on-site workers, plus is also categorized as either an A or a B.
  - ◇ The smaller impoundment subgroup of water providers developed some comments on the newest draft. The comments, along with CDPHE's response comments are included with these minutes as **Section 9 CWUC comment responses 2-3-10.doc**.
  - ◇ CWUC member comments during the meeting included:
    - The C category looks very similar to an OSHA type of regulation, making it difficult to tell where the regulation is headed;
    - There is some angst about how regulation 41 is applied to drinking water impoundments
    - There really aren't three categories.
    - It would be better if there would be separate categories for low and high risk.
  - ◇ Instead of a category C, perhaps the regulation could refer to the rad regulation
  - ◇ Certificates of Designation
    - After the 2011 legislation, impoundments at water treatment facilities will not need a CD, but impoundments (even category A) at other types of facilities will need a CD.

**Water/Wastewater Report**—Colleen Young by phone

- At the CWWUC's January meeting, Steve Tuber (EPA, Region 8) provided Lisa Jackson's (EPA Administrator) top priorities. They can be found at <http://cwwuc.org/minutes/2010/january.pdf>

**Water quality forum**--Jim McCarthy

- The nutrient criteria
  - ◇ EPA sees urban stormwater runoff as a significant source of nutrients.
  - ◇ The nutrient criteria work group has developed proposed total phosphorous and total nitrogen criteria for aquatic life in rivers and streams.

PARAMETER	AQUATIC LIFE STREAM DESIGNATION	CRITERIA mg/L
Total Nitrogen	Cold water	0.824
Total Phosphorous	Cold water	0.090
Total Nitrogen	Warm water	1.316
Total phosphorous	Warm water	0.135

- In June, **2011**, there is a rule-making hearing on nutrient criteria. At that hearing, it is likely that a new sub-designation for drinking water will be adopted. This sub-designation has the potential to effect entities that treat water directly out of a reservoir. From a treatment, and water quality, perspective, it may be useful to request this use category for your reservoir. For more information on this new sub-designation, see page 5 of the document at <http://www.cdphe.state.co.us/wq/drinkingwater/pdf/AquaTalkSummer2009.pdf>

#### **Future Telemeetings**—Randy Giffin and Tom Monfort

- Denver water will try to make conference calling available for each meeting.

#### **WQP #27 and permitting Options**—Sean Lieske, Tom Monfort

- Up until about 1½ years ago, there was the possibility to obtain a permit from CDPHE for discharges of potable water for activities such as flushing and reservoir draining. When the permit load became too great, CDPHE developed Water Quality Policy 27 and a few accompanying guidance documents. The Policy and guidance have now taken the place of a permit for discharges of potable water. This potentially leaves utilities open to third party lawsuits for discharging without a permit. Aurora has suggested one way municipalities may be able to protect themselves is to utilize their MS4 permit by including these activities in a list of occasional incidental non-stormwater discharges that will not be addressed as illicit discharges. Sean will draft a letter to CDPHE that describes this approach to see if they concur.

#### **Membership committee report**-Greg Moore

- Send updates to Greg.
- The attendance report will now indicate whether individuals participated in person or by phone.

#### **Open discussion**

- Our next scheduled meeting is on March 5<sup>th</sup>, same time and place.