



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

MINUTES
COLORADO WATER UTILITY COUNCIL (CWUC)
MONTHLY MEETING

May 7, 2010
10 a.m.

Westminster Reclamation Facility
13070 Huron St, Westminster, CO

Remarks by Vice Chair—Josh Baile

- April 2, 2010 meeting minutes approved.
- Update on AWWA Fly-in – Josh attended and noted how legislators take in and track public comments. See pp. 6-7 for a recap of Josh’s trip to DC.
- Fee Bill will be introduced Fall 2010
 - **Action Item:** Jim Miller requested comments from CWUC on draft position statements related to fee bill
- HB10-1348 – A bill for act concerning increased regulatory authority of radioactive materials. CWUC provided support testimony as amended
- Additional Items
 - *Nutrient criteria for water supply reservoir study* (Mary Fabisiak)
 - Participating entities met at WQCD on May 6 to pick up bottle sets and go through sampling and sample delivery procedures. Participants include: Westminster, Arvada, Lafayette – Baseline, Greeley (2), Pueblo, Ft. Collins, Evergreen, Boulder
 - 10 reservoirs will be sampled 2x/month from May – Sep
 - Data will available in November
 - May 11 Meeting at WQCD on Nutrient Criteria Development – economic benefits, perspectives on wildlife, water supply
 - Water supply criteria for protection of public health and reduce DBP precursors
 - Call in available – let Mary know ahead of time if you want to get copy of Mary’s presentation
 - Discussion: something to highlight – difference in reduction between WWTPs and WTPs--80% to 90% for WWTPs – for WWTPs to go to 90% reduction is what puts them into higher cost bracket. Also note that if WTPs get to a certain level of nutrients in raw water there is a cost for removal.
 - Cost of criteria - mainly from WWTPs to date

Colorado Department of Public Health and Environment—Ron Falco

- **Fee Bill** – Drinking water side has more significant increase from capitalization grants, which includes set asides. But how much can WQCD tap into from SRF set asides and what is long-term availability (it is subject to variability – so don't want to rely too heavily on that type of funding). WQCD may have meeting with smaller groups this summer on specific issues before decide on direction this fall.
 - Is intent to try to get something long-term established? Ron -- state budget process is based on annual general fund and WQCD is concerned that has potential to go away (has happened before). Drinking water general fund is \$1M and fees are \$350K, so significant if lose general funds.
 - Partnership grants are more stable but then there are fees too.
 - Discussion: Does state have analysis on propositions? (Prop 101 and 1661). Jim may bring something on this to June CWUC meeting.
- **Groundwater disinfection** – party status needs to be identified this month. Stakeholder meetings held for developing the new language and seems it will be workable. Some systems that had waivers before do not necessarily agree but WQCD tried to come up w/something that was workable for most. Rulemaking hearing in August.
- **Water Quality Policy 4 Guidance Document** – Expected to be done with revisions on May 14 (available for next CWUC meeting in June). WQCD will issue draft for comment – WQCD is comfortable w/content but not format, because they don't have resources to develop and include good/user friendly visuals/graphs/tables. So WQCD will be asking for comment more on content and then after will work on format. April meeting minutes from the Policy 4 meeting as well as the attendance list are included as attachments: 04292010_MPA Mtg_Minutes.doc and MPA Meeting Attendees.docx.
- **Schwartzwelter Mine** – significant issue for WQCD and will impact 3 utilities – abandoned Ur mine on Ralston Ck. above Ralston Reservoir. WQCD requested entities comment to Colorado Division of Reclamation Mining and Safety.
- **WQ Criteria** – Standards setting unit propose WQ standard for Molybdenum – issue for Climax. Party status deadline has passed. Denver Water may be able to provide molybdenum data. It is on CCL3 so will be part of what EPA looks at but will be a number of years out. EPA Region 8 expects presence of moly will only be found in certain areas and may not become a nationwide standard.
 - Need for standard comes from an environmental group interested from in-situ Ur mining. In surface water Climax doesn't have standard, just has to report. If there is a standard, it may likely affect aquifer reinjection in the future.
 - Ron said the only number they've seen is World Health Org value of 210 ug/L.
 - Denver Water leaning to site-specific standard.
 - There is a groundwater standard because of Ur mining, so why not include surface water standard? Seems there isn't a lot of info on available data or affects or that it is an issue.
- **Other**
 - Jim McCarthy – question on backflow/Article 12 revision. Recent input from WQCD seemed a bit light. Jorge Delgado and Dennis Pontius are working on this. WQCD won't get to Article 12 until 2011/12.
 - Discussion: there is no way to refer to state regulation to ban a tester for poor/unethical performance. Can only refer to city code. Hoping new Article 12 has some teeth in it.
 - Some say they do tell people not to use certain testers based on home rule city.

Legislative Committee Report—Jim Miller

- **HB 10-1348** (McFadden) re increased regulatory authority of radioactive materials – instead of having generic reference to groundwater standard, suggestion to refer to Regulation 41. definition of disposal (i.e., storage vs. disposal). Colorado Mining Association also wants clarification between regulations.
- Discussion: Are we starting up legislative breakfasts again? Question on whether the monetary limits may allow this – not sure (Bud O’Hara may know). Could we find a way to do it w/o food/cost?

Water Conservation Committee Update—Alyssa/Jeannine

- CO waterwise created BMPs for conservation that are being reviewed by waterwise board and will come out in July. Workshops will be in Pueblo, Glenwood and annual conference in Denver.
- Next Friday customer high use water bills workshop in Westminster.
- HB1051 (requiring conservation reporting) will likely pass.
Discussion: Has everyone submitted conservation plan? w/o approved plan you can’t get funding.
- Waterwise hoping to develop guidance on what to submit in reporting.
- Liz Gardner wanted folks to know there will be an open celebration for Chips Barry on May 21st at 4:30Wells Fargo Theater/Convention Center.
- Discussion: Mike King new person at DNR (was deputy director last 4 yrs). Jim Miller now EPA Region 8 head—was head of DNR.

303(d) Listings from Fish Consumption Advisory for Mercury—Rick Brinkman

- **Grand Junction (Juniata Reservoir)** – In 2007 Div. of Wildlife collected small mouth bass and walleye – illicitly introduced and sent to CSU for tissue analysis and then to CDPHE for mercury testing. One group of small mouth (15”) had mercury (0.49 mg/kg) just below action level (0.5 mg/kg). In February ‘09 CDPHE issued health advisory for Juniata Res (because 0.49 was so close to 0.5). Fish were there, even though illegally. Then Grand Junction got notice in February ‘10 that the reservoir would be on 303(d) list. The city started conversation w/Dan Beley at the WQCD on how not to get on 303(d) list. Considered posting as only catch and release, but WQCD didn’t think that was protective enough. Also, considered closing to fishing but would need fencing around reservoir. City issued declaration of closing reservoir for public access – but state wouldn’t remove listing since no fence around entire reservoir. Reservoir listed anyway and is open since it has fish consumption advisory.
 - Data don’t indicate mercury in water, probably from atmospheric deposition, so can’t do a TMDL.
 - Apparently all reservoirs that have fish advisory are now on 303(d) list per WQCC rulemaking in February. Suggestion for utilities to consider getting involved in the next methodology rulemaking hearing.
 - Grand Junction wants to raise awareness of this issue, and Josh requested they keep the CWUC updated on their situation.
 - Aurora and Denver Water can provide info on Waters of the State issue (have had conversations w/Dave Akers at the WQCD).

Water Quality and Policy Committee—Jim Miller

- Distributed CWUC
 - **Action Item:** requested feedback from CWUC and WQCD – heading toward format of position statement like: “...*all utilities can agree to ___, x% agree to ___, and x% agree to ___*”. To provide an indication on what the CWUC supports. Want this out before fee bill.
 - **Action Item: Include in next agenda.**
 - WQCD comments – 6a and b – departure from position CWUC has taken before? CWUC previously supported this (re resource needs), because it was needed for primacy. Discussion: maybe it’s more a regulatory issue, which can tie state hands (unfunded mandates).
- Proposed CWCBC Floodplain Rule – Facilities between 100 and 500 yr floodplain, now subject to flood proofing.
 - **Motion** (Jim Miller): CWUC file a request to CWCBC for a regulatory analysis of the proposed rule as defined in Title 24 (e.g., affected parties, cost/benefit).
 - **Motion seconded** (Sean Lieske).
 - **Vote – passed and Jim will submit.**
- **Policy 4 Guidance Document (Surface Water Treatment Compliance).** First meeting on April 29 w/Chet Pauls to implement adjusted MPA analysis. See pp. 8-9 for the 4/29 minutes.
 - **Action Item:** Series of meetings scheduled for 9 am -10:30 May 27, July 24, July 22, August 26 at Denver Water Administration building (fish bowl by front door and will have conf call). **Send Jim Miller email if you want to be on the list. (Pueblo, Colorado Springs, Aurora, Centennial). CH Diagnostics already making adjusted (chlorella broken out). Chet indicated that prefer only make adjustment for chlorella. Currently call out for what other organisms to have broken out. Policy should address criteria for organisms, rather than identify specific organisms (e.g. present in influent). Some are chlorine resistant
- **Solid Waste Section 9 Revisions** – Class C for worker safety/rad exposure. Left off that solid waste unit will reevaluate need for C and consider thresholds
 - Probably not going to see more wordsmith changes from the state –possible 4th qtr hearing on the issue.
 - Request regulatory analysis on how this will be staffed, what does it mean to water utilities, etc.? Suggestion to run it by Charles and consider discussing whether to make the request at June meeting.
 - Still concern that solid waste is moving forward w/o addressing issues that utilities have identified (e.g., defining disposal, how utilities know if they are in or out, CD issues). Currently solid waste is requesting utilities identify what they have and then they’ll review and determine if it’s in or out – easier for large facilities to do but not for smaller facilities – Utilities are used to having criteria to compare to first.
- **Chair Report**—See pp. 10-12

Wastewater Utility Council Liaison

- Al Baker will be new liaison.

Membership committee report—Greg Moore

- Send any updates to Greg.

- Greg asked if WTPs can be ‘categorical industry? Yes.
- Mentioned that DRCOG will not be the 208 management agency after the end of 2010—it has asked to be removed as 208 agency.

Open Discussion—Group

- Stormwater Effluent Guidelines. Fed on Fed – small biz administration filed against EPA on effluent guidelines
- **Water Quality Policy 27 – Treated Water Discharges.** CWUC drafted letter from on WQ Policy 27 to Dave Akers suggesting a meeting and requesting written response on potential for using MS4 permit as means to permit potable water discharges.
 - Relates how the WQCD repeal of the general permit for low risk discharges (for potable water discharges) prompted concern from some CWUC members that the policy doesn’t protect utilities from third party lawsuits or federal enforcement even if utilities implement the best management practices (under policy and guidance).
 - The group also discussed potential for the discharges to fall under the PWSID operations (WQCD doesn’t consider PWSID a permit).
 - Lois, Sean, Tom, and Jim will meet w/Steve Gunderson of the WQCD. Opportunity for alternatives to permit, utilizing the MS4 (stormwater) permit, or a Permit by Rule? – could permit to operate water treatment plant and distribution system act as permit by rule (Public Water System Permit – WQCD doesn’t consider this a permit).
- **Next scheduled meeting is on June 4 at 10 a.m. in the Three Stones Building, Kassler Room.**

Recap of Josh's DC Trip

To: Colorado Water Utility Council, RMSAWWA

From: Joshua Baile, Vice-Chair, CWUC

Re: Participation in the AWWA Washington DC "fly in" event March 2010

All,

Let me first state my appreciation and gratitude for the opportunity to represent the State of Colorado in Washington DC on water matters. The overall experience of working with AWWA's staff and the positive interactions with national policy makers was empowering and will never be forgotten. The boldest lesson learned from my visits with Colorado Senators and House Representatives was that our efforts to communicate what is important to us as a community of water providers is encouraged, appreciated, and utilized by our congressmen and women in the analysis of public opinion. On more than one occasion, I experienced firsthand how a phone call was relayed to a senator, or how my talking points were noted and presented to a congressman for further discussion. I have included a brief recap of each meeting, but wanted to provide a general comment on what I think was well received, what was perhaps not "on the radar" in regards to ongoing legislative efforts, and perhaps some areas that we could improve for next year. Thanks to our ongoing, significant, legislative efforts, Colorado water issues are an important part of each politician's agenda. Every meeting reinforced the importance of protecting public health and water supplies.

As aging infrastructure captures a large portion of media coverage, the proposed water infrastructure "bank" and additional support of SRF funding was by far the most well received of dialogs. While most support the idea, getting to tangible action is another! There is a big discrepancy between the understanding of environmental infrastructure (water, waste water, storm water, etc.) and utilities (communication, roads and bridges, etc.). In general, without significant documentation and detailed results of research studies related to specific issues, legislative staffers (of whom I had the most contact) are not interested in talking about supporting or opposing *anything* based on theoretical suppositions. Of our AWWA provided talking points, two dealt with regulation of oil and gas process (fracking chemicals and CO₂). These two issues are still in the gathering data/study implications phase, and the support / oppose stances are leaning towards partisan lines, if at all.

Next year, I think CWUC's member base should develop a few alternate issues specific to Colorado. Many other states reprinted their talking points on state / RMSAWWA letterhead. Nutrient criteria, though not on the AWWA talking points, provided an avenue to discuss a more state specific problem with our congressmen. The majority were familiar with the EPA, but not necessarily CDPHE, an additional point for improvement in coming years. An additional talking point, the Chemical security act HR 288, had already passed the house and is in the Committee on Homeland Security and Governmental Affairs with hearings being held. Senators Udall and Bennet were not receptive to altering the IST requirements, although I had a great discussion with Udall staffers on the impacts of switching from chlorine gas to bleach at the larger treatment facilities.

The Grind:

Representative Betsy Markey (D-4th), Mackenzie Tepel: Very informative visit for me, as it was my first appointment. District 4 (Northeastern Colorado) is dominated by the agriculture industry. All water issues were well received, and several follow up questions / dialog revolved around the specific effects of revolving loan funding and the effects of nutrient criteria implementation on South Platte users.

Representative Ed Perlmutter (D-7th), Aaron Greco: In my opinion the most productive and welcoming environment. Very interested in the specific impacts of CO₂ and fracking chemicals used on ground water used for drinking water. Familiar and technically savvy on every issue that was brought up.

Representative Mike Coffman (R-6th), Charles Cogar: Good meeting overall, good dialog on the perceived (vs. actual) impacts of proposed bills. Generally wants to look at all information before taking a position, but is very supportive of local water providers.

Representative Doug Lamborn (R-5th), Mallori McClure: Meeting was on the shorter side, lacking dialog. While all issues were acknowledged and noted, there was not a lot of feedback or follow up questions.

Representative Diana DeGette (D-1st), Jamie Long: Good meeting, the 1st Congressional District is basically the City of Denver, so a lot of the rural issues like oil and gas, agriculture, and infrastructure funding did not seem to be

a priority – though DeGette did co-author HR2766 and S1215 dealing with the regulation of well hydro fracking lubricants. Trans-Basin diversions, nutrient regulations, and Chemical Security were of interest.

Senator Michael Bennet (D), Sean Babington: In my opinion the least productive of all of my meets. In addition to waiting a long period of time, I was only given about five minutes with staffer Babington, just not enough time to get to the heart of any issues.

Senator Mark Udall (D), James (Jimmy) Hague: A very professional meeting with a lot of dialog related to the chemical securities act and “inherently safer technologies”. Received a lot of good feedback from Jimmy Hague on what legislators and policy makers look for from their constituents in response to proposed legislation i.e., how does it specifically impact you and what is another way around it. If your answer is “it costs a lot of money to comply” - that is not enough to get them to budge on a position. Constituent feedback needs to be more tangible in nature, versus just calling and stating support or opposition.

In summary, I have a new and refreshing respect for what it takes to change anything in this great democracy. Keep in mind that the Health Care legislation passed on Tuesday the week I was in DC, and clearly that was on everyone’s mind, and had a significant impact on the resources utilized to look into solving other problems, like aging infrastructure and emerging contaminants.

We all need to do a better job of getting our names and organizations out in front of policy makers. Wouldn’t it be great if, for example, Representative Coffman’s office had recently had contact with CWUC or ECCV prior to my arrival to reinforce our issues! I think that is what we should strive for. While it is great that agencies like Denver Water take the lead in legislative efforts, it is not appropriate for them to do all the work, and I truly believe our individual voices in such matters at state and federal levels will be heard.

Respectfully submitted,
Joshua Baile
ECCV, Vice-Chair, Colorado Water Utility Council

MPA ADJUSTMENT PROCEDURE

DRAFT MEETING MINUTES

APRIL 29, 2010

The meeting was convened at Denver Water's Marston Treatment Plant at 9:00am. Participants are listed on the following page.

The meeting Goal was reviewed and no revisions to the original goal statement (see below) were submitted by participants. GOAL:

Establish a consistent in-laboratory procedure to eliminate from MPA removal calculations certain non-pathogenic microorganisms that reproduce in the treatment process, such that their finished water counts do not inappropriately skew overall bio-indicator removal levels between raw and finished water samples. The procedure would include:

- Criteria for when an adjustment is appropriate,
- Bio-indicator organisms and counts to be discounted (finished or raw and finished),
- Reporting requirements to ensure transparency of the adjustment and to record the bio-indicator(s) for which the adjustment was applied.

A verbal summary of Policy 4 was presented with an emphasis on the policy revisions that change the use of MPA results with respect to assessing performance of surface water treatment plants. Under the old policies, MPA removal results were used to assess plant particulate removal levels and were coupled to a specified disinfectant residual (0.2mg/L free chlorine) and specified contact time (30 minutes) to assess compliance with the performance requirements of the Surface Water Treatment Rule (SWTR) for Giardia and viruses. Additionally, low MPA removal levels were to trigger an on-site comprehensive performance evaluation. Policy 4 relies on EPA table value guidance for process-specific Giardia and Virus removal levels coupled with in-plant measurements of disinfection variables to determine the lowest level of inactivation achieved for Giardia and viruses. The sum of the table value removal and the lowest plant-specific inactivation level achieved is used to assess compliance with SWTR performance requirements. Additionally, low MPA removal levels will be a factor determining performance levels but will in prioritizing the treatment evaluation portion of already required sanitary surveys.

A wide ranging discussion of MPA adjustment issues ensued resulting in general consensus on the following topics:

- The concept of adjusting MPA removal calculations to account for the growth of non-pathogens in the treatment train was supported. Analysts indicated that such growth does significantly impact the apparent removal results and that adjustment should be made by eliminating both raw and finished counts for the specified organism(s).
- There was tentative agreement that chlorella was the organism for which adjustment is compelling and subject to new information, may be the only organism for which adjustments would be sanctioned without additional justification of efficacy. It was generally agreed that although growth of nematodes and rotifers is sometimes observed, such growth is an indication of decreased filter performance and organism counts should not be adjusted on this basis.
- There was agreement that there should be one standard reporting form for MPA results that would clearly indicate how any removal adjustments made were determined.

ACTION ITEM: As soon as possible, participating labs should provide Chet Pauls a copy of the analysis report and MPA analysis request forms they are currently using. Send them to: chester.pauls@state.co.us

- The EPA method: Microscopic Particulate Analysis (MPA) for Filtration Plant Optimization should be readily available to and used by participating laboratories.
- The benefit of MPA testing may be made more visible to water systems with the preparation and dissemination of an MPA Guidance document that would include sampling information. Chet indicated that CDPHE would likely support this effort if the group outlined topics to be addressed (Not stated but true: Safe Drinking Water Program Manager approval would be necessary).
- Susan Boutros agreed to contact the Pennsylvania drinking water program to update her knowledge of their use of MPA for treatment plant removal assessment.
- Future meeting dates are set for: 9:00 am at Denver Water in the Fishbowl Conference Room.
 - Thursday, May 27
 - Thursday, June 24
 - Thursday, July 22
 - Thursday, August 26 (if necessary)

**MPA Adjustment/Policy 4 Meeting
on
Thursday, April 29 at Denver Water Marston WTP**

Attendees:

Jim Miller	Denver Water	303-628-6371	jim.miller@denverwater.org
Bruce Hale	Denver Water	303-628-5991	bruce.hale@denverwater.org
Rhonda Birdnow	Denver Water	303-628-5996	rhonda.birdnow@denverwater.org
Chet Pauls	CDPHE	303-692-3610	chester.pauls@state.co.us
Al Baker	Centennial WSD	303 791-2185	abaker@cwsdhrmd.org
Sherry Scaggiari	Aurora Water	303-739-6767	sscaggia@auroragov.org
Donene Dillow	Co. Springs Utilities	719-668-4403	ddillow@csu.org
Ron Bruns	Co. Springs Utilities	719-668-4403	rbruns@csu.org
Annie Berlemann	o. Springs Utilities	719-668-4403	aberlemann@csu.org

On the Phone:

Jeff Farley	Pueblo	719-584-0254	jfarley@pueblowater.org
Susan Boutros	Environmental Assoc.	607-272-8902	sboutros@eal-labs.com
Rhonda Duncan	CH Diagnostics	970-532-2078	rduncan@chdiagnostic.com
Carrie Howe-Carlson	Microsearch Lab. 9	70-241-1446	microlabs@aol.com

Absent, but interested:

Steve Lohman	Denver Water	303-628-5994	steve.lohman@denverwater.org
Jim McCarthy	Arvada	720-898-7765	jim-m@ci.arvada.co.us
Greg Moore	Golden	303-384-8180	gmoore@cityofgolden.net
Tami Moon-Carlson	Northglenn	303-450-4070	tmoon@northglenn.org
Jo Holcomb	Grand Junction	970-256-4174	joh@ci.grandjct.co.us
Ron Falco	CDPHE	303-692-3569	

rfalco@smptgate.dphe.state.co.us

<p>2011 WQCD Fee/Funding Legislation</p>	<p>First of four meetings occurred March 4, 2010 Second Meeting to address specific resource needs did not occur in April so a meeting in May is likely. 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. On Governor's desk for signature. 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>Proposed CWCB Rules and Regulations For Regulatory Floodplains in Colorado</p>	<p>Applicable to all water utilities that have facilities between the 100 and 500 year floodplain. There is a need to consider filing a request for Regulatory Analysis.</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 occurred April 29th. Subsequent meetings 9:00 am at Denver Water Admin Building scheduled for May 27, June 24, July 22, Aug 26. Jim Miller/Denver Water is leading workgroup.</p>

<p>Public Utilities Commission Rulemaking – Combined Water and Sewer Utilities</p>	<p>http://www.dora.state.co.us/pls/real/SB121.Download_file?p_file=F9221/R09-1182-I_09R-130W.pdf</p> <p>PROPOSED RULES REGULATING WATER AND COMBINED WATER AND SEWER UTILITIES, 4 CODE OF COLORADO REGULATIONS 723-5, UNDER HOUSE BILL 08-1227.</p> <p>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><i>The next large group stakeholder is scheduled for Thursday June 3rd. There is a need to consider filing a request for Regulatory Analysis.</i></p> <p><i>The concept of Type C classification is being re-worked and possibly eliminated in favor of a different approach applicable to specific situations involving TENORM above certain thresholds.</i></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 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>Federal Proposed Stormwater Regulations 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. Jim McCarthy/Arvada and Tom Mountfort/DW are probably the most knowledgeable on the subject. FINAL RULE PUBLISHED Tuesday December 1st, 2009. 40 CFR Part 450 “Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category; Final Rule</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 2011 fee legislation.</p>
<p>Nutrient Criteria</p>	<p>Mary Fabisiak/Westminster or Jim McCarthy/Arvada are the most knowledgeable. New workgroup.</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>