

# 2011 Program Plan

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and the  
Board of Directors  
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## **COUNCIL OVERVIEW**

### **Mission Statement**

The Colorado Wastewater Utility Council's mission is to professionally and responsibly promote environmental protection by supporting legislation and regulations that achieve well-defined environmental benefits while maintaining local flexibility.

### **Membership**

In 2010, 45 agencies were members of the Colorado Wastewater Utility Council (Council). A representative of a municipal or quasi-municipal agency in Colorado engaged in the operation of any collection, treatment or disposal of wastewater may be a member of the Council. Membership shall be determined by payment of annual dues and designation of a representative and an alternate.

Members as of December 2010 are included in Appendix I.

### **Organization**

The Council is an independent, nonprofit corporation, and is governed by its Bylaws and Colorado law. In 2002, the Council received 501(c)3 nonprofit status from the Internal Revenue Service. Advance ruling period ended on September 30, 2006. The Council submitted official forms to show that it still meets the 501(c)3 requirements and is now a permanent 501(c)3 organization.

### **Officers**

The officers of the Council consist of a Chair, Vice Chair, Secretary, Treasurer and one (1) to two (2) directors, each of whom are elected from the membership of the Council. Elections are held annually in September. Officers are included in Appendix II.

### **Meetings**

The Council meets on the second Wednesday of each month, with the exception of its September Annual Meeting, which is held in conjunction with the Rocky Mountain AWWA/WEA Regional Conference. Also the Council holds one meeting and a tour at a facility that has been expanded or modified.

### **Subcommittees**

The Chair is empowered to appoint subcommittees and ad hoc subcommittees as may be required to conduct the business of the Council. Appendix III will include the various subcommittees and members as they are formed.

# **2011 PROGRAM**

## **ELEMENTS OF 2011 PROGRAM PLAN**

### **Key Environmental Issues for the Council**

- 1) Nutrient Criteria
- 2) Watershed Assessments
  - a. 303(d) List (Criteria and the List)
  - b. Total Maximum Daily Loads (TMDLs)
  - c. Water Quality Assessments
  - d. Permitting
- 3) Aquatic Life Classification
- 4) Basin Hearings / Other Hearings
- 5) Temperature Criteria / Implementation
- 6) Site Application - Design Criteria
- 7) WET
- 8) Economic Reasonableness
- 9) Water Quality Monitoring
- 10) Reuse
- 11) Pesticide
- 12) Outreach/Coordination
  - a. Increase Outreach to Members
  - b. Publications
  - c. Mentoring Project

### **Activities to be Monitored by the Council**

- 1)** EPA Activities and Policies
- 2)** Colorado Water Quality Legislation

- 3) Water Quality Control Commission Hearings
- 4) Water Quality Control Division Activities and Policies
- 5) Air Pollution Control Division Policies Concerning WWTP Permits
- 6) Colorado Water Utility Council
- 7) Colorado Stormwater Council

### **New Initiatives**

- 1) Small Community Education
  - a. Seminar – Issues to be covered are being developed, including joint seminars with Colorado Rural Water Association.
- 2) Developed the Colorado Water and Wastewater Mentoring Program with the Colorado Water Utility Council and Colorado Rural Water Association in cooperation with the Colorado Water Quality Control Division, and the USEPA Region VIII. Continue mentoring those that request help. The Council is working on helping several individuals at one time, as well as individual mentoring.

## **DETAILS OF PROGRAM PLAN**

### **Key Environmental Issues for the Council**

#### 1) Nutrient Criteria

##### Issues:

- The U.S. Environmental Protection Agency (EPA) has issued separate “recommended” Nutrient Criteria for rivers and streams, lakes and reservoirs, and wetlands based on geographical ecoregions in the country. For the criteria for some of the Colorado areas, EPA suggests instream levels of total phosphorus under 75 ug/L and levels of total nitrogen between 0.1 mg/L and 2 mg/L. The criteria are based on statistical analysis on a limited data set of the current levels of these constituents in each ecoregion and a policy decision to reduce the highest levels of these constituents in each ecoregion. This approach of setting goal reductions is significantly different than the normal criteria development protocol since impact on uses and scientific studies of impacts were not directly considered.
- The Council is participating in the Division’s Nutrient Criteria Workgroup process. Numeric criteria are expected to be adopted in a special nutrient hearing in March 2012 to allow a cost study to be completed.
- The Division is developing numeric criteria for lakes based on chlorophyll concentrations that are chosen to balance potentially competing uses. The Division also will propose nutrient standards for lakes based on relationships to chlorophyll using regression to back calculate.
- River and stream numeric nutrient standards will be based on aquatic life probably macroinvertebrates for wadable streams and is yet to be determined for larger streams.
- This new approach, recently applied by EPA Region III assumes a direct correlation between nutrients and invertebrate health. This methodology is considered controversial by the regulated community and many entities, including the Council, have requested that US EPA perform an independent peer review of this new methodology. This Scientific Advisory Board review was clear that these approaches, standing alone, should not be used but rather incorporated with other published approaches "where uncertainties in different approaches are recognized and weight of evidence is used to establish the likelihood of causal relationships between nutrients and their effects for criteria derivation."

##### Position:

- The Council supports the Control Regulation concept.
- The Council believes that the Division should not move forward with the new methodology to set standards in Colorado other than in pristine areas until the methodology has been peer reviewed. Any criteria should be based on sound scientific methodology and information.

- The Council believes that criteria should be designed to protect uses and that criteria adopted should be reasonable and achievable. The criteria should also have a direct cause and effect relationship.
- The Council opposes adoption of Nutrient Criteria not based on scientific evidence of levels necessary to protect uses.
- In particular, the Council opposes Colorado and/or EPA adoption of the EPA criteria as outlined in the technical guidance and recommendation documents for the ecoregions in Colorado.

Council Actions:

- The Council's Ammonia/Nutrient Criteria Subcommittee will work to evaluate the current EPA criteria and methodology from both a scientific and policy standpoint. The Subcommittee will be responsible for developing more defined positions for Council consideration.
- The Subcommittee will collaborate with others in the State with similar concerns to develop a coalition of efforts on this matter. To that end, the Council has joined the Colorado Nutrient Coalition which is a collection of water providers, wastewater treatment utilities, stormwater management agencies, agricultural representatives, and homebuilder associations.

2) Watershed Assessments

a. 303(d) List (Criteria and the List)

Issues:

- The CWQCC will hold an administrative action hearing on March 9, 2011, on the 2012 Section 303(d) Listing Methodology.

Position:

- The Council encourages all members to review the revised 2010 Listing Methodology and participate in the Rulemaking Hearing if needed.

Council Actions:

- The Council will continue to monitor the 303(d) Listing process to ensure its members are properly listed.
- Have Division staff brief the Council on the 303(d) Listing criteria and process.
- Tim Moore was hired to provide comments on the inclusion of the new MMI assessment for aquatic life impairment into the Listing Methodology.

b. Total Maximum Daily Loads (TMDLs):

Issues:

- The Colorado Environmental Coalition and the Biodiversity Legal Foundation filed a lawsuit against EPA for not preparing TMDLs for those waters for which technology-based

effluents limits in NPDES permits for point sources alone are insufficient to protect State water quality standards. The Council intervened in support of the EPA in this lawsuit. The lawsuit was settled and ordered closed by the Court on September 20, 1999. The settlement requires Colorado to complete the TMDLs for stream segments listed on the 1998 303(d) list within a 10-year period.

- Since that settlement, the Colorado Water Quality Control Division has been completing TMDLs as required. Some streams have been removed from the list as it has been determined that they do not need TMDLs because improvement has occurred or they were listed improperly to begin with. In 2008, the Commission approved an updated 303(d) list that lists additional stream segments that will require TMDLs.

Position:

- The Council believes that the State of Colorado is making adequate progress in developing TMDLs.
- The Council believes that many TMDLs and the related Waste Load Allocation (WLA) process can be complicated from both scientific and also from an implementation perspective. The Council believes that adequate time should be provided to complete TMDLs and WLAs, so that they are scientifically sound and implementable.

Council Actions:

- The Council continues to monitor the TMDL process.

Future Council Actions:

- Have EPA and Division staff brief the Council on TMDL progress and the priority and schedule for completing TMDLs.
- Work with the Division on implementing efficient procedures for TMDL development which encourage and provide for POTW participation in TMDL/WLA development.
- The Council will encourage and support improved water quality monitoring activities in the State especially where coordination of monitoring efforts among different entities can provide better monitoring and more cost-effective monitoring overall.

c. Water Quality Assessments:

Issues:

- The WQCD and EPA have considered implementing a watershed-based approach to water quality assessments and decision making in Colorado. This effort may extend to water quality assessments and the issuance of coordinated permits.

Position:

- Several Council members have stated support for the watershed approach in the past and the Council, in general discussions, has indicated support of the concept.

- Watershed based water quality assessments and permits should be based on sound environmental data and performed by scientifically sound and defensible methods.
- Watershed-based decisions and activities should allow for site specific considerations and decisions, where appropriate.
- It is very important for wastewater treatment agencies in Colorado to become involved in any watershed permitting in their area. If resources allow, wastewater entities should seriously consider initiating and leading such efforts, especially efforts to gather monitoring data to be used in the permits process.

Future Council Actions:

- Monitor watershed assessment and permitting activities to keep Council members informed of developments in the State.
- Provide assistance and information, where appropriate, to add value to the watershed program as it develops.
- Review by the Council of the State's Integrated Water Quality Monitoring and Assessment Report (305(b) report) This document characterizes our water quality, identifies widespread water quality problems of significance, and describes various projects implemented to restore and protect our waters.

d. Permitting:

Issues:

- The WQCD and EPA have considered implementing a watershed-based approach to water quality assessments and decision making in Colorado. This effort may extend to water quality assessments and the issuance of coordinated permits.

Position:

- Several Council members have stated support for the watershed approach in the past and the Council, in general discussions, has indicated support of the concept.
- Watershed based water quality assessments and permits should be based on sound environmental data and performed by scientifically sound and defensible methods.
- Watershed-based decisions and activities should allow for site specific considerations and decisions, where appropriate.
- It is very important for wastewater treatment agencies in Colorado to become involved in any watershed permitting in their area. If resources allow, wastewater entities should seriously consider initiating and leading such efforts, especially efforts to gather monitoring data to be used in the permits process.

Future Council Actions:

- Monitor watershed assessment and permitting activities to keep Council members informed of developments in the State.

- Provide assistance and information, where appropriate, to add value to the watershed program as it develops.
- Present a Council sponsored/prepared seminar on watershed activities, TMDLs, and watershed permitting later in 2011.

### 3) Aquatic Life Classification

#### Issues:

- Colorado classifies water bodies for beneficial uses (including aquatic life) that, along with chemical and physical standards, assure their protection. The Division has adopted a multi-metric bioassessment tool for Colorado that is composed of separate indices calibrated to respond to stressors affecting aquatic communities. Determining biological condition involves the steps of calculating the MMI for the appropriate biotype and comparing the MMI score to a threshold.

#### Position:

- In general, the Council supports the Division's effort to develop a tool for conducting preliminary biological assessments. However, the Council strongly opposes any attempt to use this tool to impose biocriteria through guidance rather than through a proper rule-making procedure to adopt new water quality standards. Accordingly, the Council feels that any sites or segments that do not meet the MMI thresholds should not be declared "impaired" or added to the 303(d) list until follow-on investigations confirm that some sort of water quality problem is causing or contributing to the observed biological condition.

#### Council Actions:

- The Council will continue to fund the involvement of Tim Moore with the 2012 303(d) listing methodology to monitor the implementation of this policy.

### 4) Basin Hearings / Other Hearings

Because of the enormity of the nutrient issue for the Commission, Council members should anticipate changes from the "usual" rulemaking and administrative action hearing schedules for the next few years. As such, it is difficult to state with certainty at this time what hearings will take place when. The Council will keep the membership informed on any significant changes to the Commission's schedule.

The CWQCC will hold Other Hearings as follows:

- January 10, 2011 Administrative action hearing to consider approval of the 2010 update to the water quality management plan (section 208 plan) for the Pikes Peak Area Council of Governments.

- January 10, 2011 Informational hearing - Notice of triennial review of the Commission's current regulations titled "Regulations for Effluent Limitations", Regulation #62 (5 CCR 1002-62).
- March 8, 2011 Administrative action hearing to consider approval of an updated Section 303(d) Listing Methodology, to be used for development of Colorado's 2012 Section 303(d) List of waters still requiring total maximum daily loads (TMDLs) and an accompanying 2012 Monitoring and Evaluation List (Regulation #93).
- April 11, 2011 Informational hearing - Procedural Rules, Regulation #21.
- April 11, 2011 Information hearing - Regulations Controlling Discharge to Storm Sewers, regulation #65.
- April 11, 2011 Administrative Action Hearing - Statewide W.Q. Management Plan.
- A hearing to adopt statewide Nutrient Criteria was scheduled for June, 2011 but has been postponed for two months and possibly longer (into 2012). This will be determined at a CWQCC meeting in January 2011.
- August 8, 2011 - Informational hearing - Cont. Planning Process Regulations, Regulation #23.
- August 8, 2011 - Informational hearing - Financial Asst. Rules, Regulations #51-54.
- August 8, 2011 - Administrative Action hearing - Wastewater Design Criteria, Policy 96-1.
- August 8, 2011 - Administrative Action hearing - Nonpoint Source Management Plan.
- August 8, 2011 - Rulemaking hearing - CAFO Discharge Regs, Regulations #61 and 81.
- October 11, 2011 - Administrative Action hearing - FY2012 WPCRF; Domestic WWT Grant; DWRF and Drinking Water Grant IUPs.
- October 11, 2011 - Issues Scoping hearing - Arkansas, Rio Grande W.Q. Standards, Regulations #32 and 36.
- October 11, 2011 - Rulemaking hearing - Regulations #41 and 31.
- October 11, 2011 - Public Information hearing - Comment on water pollution problems in Colorado.
- October 11, 2011 - Administrative Action hearing - Temperature Criteria Methodology, Policy 06-1.
- November 14, 2011 - Informational hearing - Colorado River Salinity Standards, Regulation #39.
- November 14, 2011 - Issues Formulation hearing - San Juan, Gunnison W. Q. Standards, Regulations #34 and 35.
- December 12, 2011 - Rulemaking hearing - Temp. Mods., Regulations #32-38.

- December 12, 2011 - Administrative Action hearing - Colorado W. Q. Management and DW Protection Handbook, Policy 98-2.
- December 12, 2011 - Rulemaking hearing - Section 303(d) / Mon. & Eval. Lists, Regulation #93.

Council Actions:

- The Council encourages its members that discharge to these segments to be aware of the basin hearings and participate in Council meetings when the issues are discussed.
- The Council will monitor the CWQCC hearings.

5) Temperature Criteria / Implementation

Issues:

- At the 2005 Basic Standards hearing, a number of technical issues arose regarding temperature criteria that could not be resolved.
- The Water Quality Control Commission adopted temperature criteria and implementation regulations with a delayed effective date of 12/31/07. On December 10, 2007, the Commission approved Policy Statement 06-1, "Temperature Criteria Methodology." The Policy was effective through December 31, 2010. In addition, a draft Division policy, "Procedures for Conducting Assessments for Implementation of Temperature Standards in Discharge Permits" has been made available for public comment.
- At the October 12, 2010 Commission meeting, the Commission discussed the proposed Temperature Criteria Methodology, Policy 06-1 administrative action hearing scheduled for December 13, 2010. The Division informed the Commission that they were still collecting data in support of potential changes to the Policy and as a result did not yet have any proposed changes. Commissioner Wiant moved to extend the expiration date of Policy 06-1 by one year to December 31, 2011. An administrative action hearing for review of Policy 06-1 will be scheduled for December 2011.

Position:

- The Council is supporting the efforts of the Division and other stakeholders to implement the temperature standards.

Future Council Actions:

- The Council will monitor the progress of the temperature criteria documents and will submit comments as appropriate.

6) Site Application - Design Criteria

Issues:

- The Site Application Regulation was updated through a Water Quality Forum workgroup process in 2009 and the adopted changes and other changes need to be incorporated into Policy 96-1, "Design Criteria Considered in the Review of Wastewater Treatment

Facilities. This policy allows design engineers to be familiar with the criteria the State utilizes to review wastewater treatment facility designs. A workgroup process began in September 2010 that will continue into 2011 to rewrite the Policy as necessary. An issues list has been developed by stakeholders that the Division will work through with the workgroup. The facilitator for this work group at the Water Quality Control Division is Jennifer Miller, Engineering Section Manager. The Coordinator is Connie O'Neill, Manager, North Front Range Water Quality Planning Association.

- The Division will look to adopt criteria that have been written by other states (including Washington, Minnesota, Oregon, Iowa, and Illinois) for use in the policy. They plan to develop submittal forms for unit processes so that submittal expectations are clear and the process streamlined.
- The Division also plans to ensure consistency with the changes approved to Regulation #22 and the Regulation #22 Guidance Document. The Division plans to include new technologies that several other states have already incorporated and they are looking for ways to include a vendor list. They also plan to change the format of the policy and not follow the chapter wise fashion currently used.
- A complete revised draft policy will be available for comment during April 2011. There would then be three workgroup meetings in May and June of 2011 to discuss the draft.

Position:

- The Council supports the work being done on the Design Criteria Policy. A total of 92 issues are listed with a broad range of topics was published for the Sept. 15, 2010 work group meeting. Suggestions include addition of criteria for newer types of treatment processes to address nutrient removal, clarification of some requirements for reclaimed water systems, and updating of disinfection methodologies.

Future Council Actions:

- The Council will be actively involved in the Policy 96-1 Design Criteria Guidance workgroup to insure that the necessary revisions are made.

7) WET

Issues:

- The Division updated the WET policy "Implementation of the Narrative Standard for Toxicity in Discharge Permits Using Whole Effluent Toxicity (WET) Testing" and it was effective September 30, 2010.
- The State of Colorado does not have numeric water quality standards for toxicity, and therefore is implementing the narrative standard in Regulation 31.11(1), which provides that: "state water shall be free from substances attributable to human-caused point source or nonpoint source discharge in amounts, concentrations or combinations which are harmful to the beneficial uses or toxic to humans, animals, plants or aquatic life." Note that WET testing is not the standard for toxicity, but is an approved 40 CFR Part 136 method that the Division intends to use as a tool for implementation of the narrative standard.

- This updated policy is in response to the Division's agreement with EPA to begin adding sublethal WET limitations to permit, where reasonable potential for an exceedance of the narrative standard (described below) is determined.
- The permittee is given the option to request several test modification that are allowed in the methods for inclusion in their permit. Inclusion of these modifications may increase the number of tests that will need to be repeated but will allow invalid tests to be rejected. The dual endpoint was chosen as it provides greater certainty that a toxic event occurred, that the event was both statistically and biologically significant, and it is consistent with the EPA test methods.
- The Division does not have to obtain approval on a permitting policy but the Division worked with EPA and the stakeholders throughout the workgroup to develop consensus.

Position:

- The Council feels that the WET workgroup was a successful process that has resulted in a policy that will allow CDPHE to properly evaluate for potential toxicity and to respond appropriately if toxicity is seen.
- Variability, false positives, false negatives, ionic strength effects and alternate species are a few situations that the policy allows for additional efforts to determine the appropriate response before adopting enforceable limits for sublethal WET testing.

Council Actions:

- The Council feels that the WET workgroup was a successful process that has resulted in a policy that will allow CDPHE to properly evaluate for potential toxicity and to respond appropriately if toxicity is seen.
- Variability, false positives, false negatives, ionic strength effects and alternate species are a few situations that the policy allows for additional efforts to determine the appropriate response before adopting enforceable limits for sublethal WET testing.

8) Economic Reasonableness

Issues:

- The Council initially proposed revisions to Regulation #31 and #21 for consideration at the June 2010 Basic Standards rulemaking hearing. These revisions would have required the Commission to consider economic, social, and environmental impacts associated with new or revised water quality standards. However, based upon subsequent discussions with Water Quality Control Division staff, the Council withdrew its proposal at the November 2009 Issues Formulation hearing. In return for this action, the Division will move forward with a discharger specific variance proposal for the June 2010 hearing and that proposal will include considerations of economic, social, environmental impacts when determining when facilities may qualify for variances from water quality standards.

Position:

- The Council supported a discharger-specific variance proposal in 2010.

Council Actions:

- Continue to monitor implementation of discharger-specific variances through the nutrient rulemaking process.

9) Water Quality Monitoring

Issues:

- EPA has identified state water quality monitoring programs as needing improvement.
- Water quality data is key to properly assessing the health of the state's waters and making decisions (e.g., permitting) on water quality issues.
- Efficient use of public resources, at the local and state level, can be achieved by coordinating water quality sampling to reduce duplication, increase coverage and provide full access to data collected.

Position:

The Council supports the activities of the Colorado Water Quality Monitoring Council and the Data Sharing Network to improve the water quality monitoring program in Colorado and to provide full access to data collected.

Council Actions:

- The Council will encourage and support improved water quality monitoring activities in the State especially where coordination of monitoring efforts among different entities can provide better monitoring and more cost-effective monitoring overall.
- The Council will continue supporting the activities of the Colorado Water Quality Monitoring Council.

10) Reuse

Issues:

- The Colorado Reuse community is moving forward with suggested changes to regulation 84.
- Proposed changes would include a more streamlined approach to allow new uses, impoundments, treater/user responsibility, and resources and fees.

Position:

- The council supports efforts in updating regulations regarding all water quality.

Future Council Actions:

- Monitor and track changes.

11) Pesticide

Issues:

- EPA intends to issue a final general permit by December 2010, for the application of pesticides.
- The Colorado Water Quality Control Division plans on adopting the EPA general pesticide permit in 2011.
- Any person(s) or entity applying pesticides and or herbicides will be required to attain a CDPHE general permit.

Position:

- The Council encourages its entire membership to review the general permit and make their entities aware of any changes.

Future Council Actions:

- Council members will continue to track the general permit as it makes its way through the CDPHE, and submit comments where necessary.

12) Outreach / Coordination

- The Council will continue to seek new members and coordinate with other organizations.
- The Council will explore ways to increase outreach to its members.
- The Council to present the accomplishments / successes in wastewater treatment by POTWs.
- The Council will continue to coordinate with the Colorado Rural Water Association and the Colorado Water Utility Council to implement the Colorado Water and Wastewater Mentoring Program to assist POTWs and private entities. The Colorado Mentoring Program provides online and person-to-person mentoring to water and wastewater agencies and individuals. The Council has expanded its website to include mentor lists, matching service, internet links, question and answer service.
- The Council will continue to be more proactive in 2011 by participating with:
  - The Colorado Water Quality Forum in meetings before State legislative committees;
  - The Colorado Water Utility Council and Rocky Mountain Water Environment Association to share resources and improve coordination;
  - Legislators' meetings regarding water issues;
  - The Colorado Municipal League;
  - The Special Districts Association;
  - Colorado Rural Water Association;
  - The Annual Legislative Water Day;
  - The Colorado Water Congress Conferences; and

- The Council will continue to hold a seminar on water quality issues in May of each year or participate with CRWA seminars.
- The Council will continue the publication of its Newsletter, "Confluence."
- The Council will have a display and brochures at the CRWA Annual Conference, the RMWEA/RMAWWA Annual Conference, and other regional events to promote Council membership and the Mentoring Program.

### **Activities to be Monitored by the Council**

**1) EPA Activities and Policies**

The Council monitors EPA activities and policies and will continue to present testimony or letters as appropriate.

**2) Colorado Water Quality Legislation**

The Council will monitor all appropriate legislation and members provide input individually.

**3) Water Quality Control Commission Hearings (WQCC)**

The Council monitors all WQCC hearings and will continue to present testimony or letters as appropriate.

**4) Water Quality Control Division Activities and Policies**

The Council will continue to monitor personnel and program changes and participate on workgroups as appropriate.

**5) Air Pollution Control Division Policies Concerning WWTP Permits**

The Council will continue to monitor personnel and program changes.

**6) Colorado Water Utility Council (CWUC)**

The Council monitors the activities of CWUC on a monthly basis.

**7) Colorado Stormwater Council (CSC)**

The Council monitors the activities of CSC on a monthly basis.

**Other Initiatives**

**1) Small Community Education**

The Council intends to help facilitate education for small communities throughout Colorado. A seminar focused on permitting, and including other issues, will be presented in four to five areas of the State on a rotating basis (one per year). Issues of immediate impact may be included as they arise. Presently this activity is being re-evaluated.

**2) Mentoring**

The Council, with the Colorado Water Utility Council and the Colorado Rural Water Association, in cooperation with the Colorado Water Quality Control Division and the USEPA Region VIII, developed a web-based mentoring program to assist utilities and individuals in communities with issues related to regulatory compliance, utility management and process control. The website was completed in 2005 and the implementation took place in 2006 for wastewater facilities only. In early 2007, the Program became a Water and Wastewater Mentoring Program. Implementation of the joint effort got underway in January 2008.

## 2011 SCHEDULE

### MONTHLY COUNCIL MEETINGS

#### Topics/Guest Speakers in addition to standing meeting agenda

- WESTCAS Federal Level Activities / Nancy Keller, Mary Gardner and Fred Andy .....January
- Update on Nutrient Issues & Coalition / Speaker TBD ..... February
- State Environmental Program, Legislative Overview/Martha Rudolph Colorado Water Congress Activities and Issues/Doug Kemper ..... March
- Proposed Northern Treatment Plant and Treatment Costs / Barbara Biggs.... April
- Presentation on Cost Study / Donna Davis..... May
- WQCD Activities/Legislative Update/Steve Gunderson & Dave Akers ..... June
- WQCC Activities / Issues / Speaker-A Commissioner TBD.....July
- Topic / Speaker TBD & Nomination of Officers ..... August
- Council Annual Meeting—Business Meeting ..... September
- Reuse/Multi-ownership / Jim Kendrick .....October
- WET Policies / Speaker TBD .....November
- Water Quality Control Division Activities & Policies & Spill Policies / Steve Gunderson and Dave Akers ..... December

#### Other Topics

- Electronic Data / Dave Akers
- MMI Issues / Tim Moore
- Water Quality Monitoring / State Representative
- Aquatic Life Issues
- TMDL Barr Lake / Amy Woodis
- Science Stuff / TBD
- TMDL for Nutrient Control Reg / Dennis Stowe
- Discharge Variance

### SUBCOMMITTEE MEETINGS

Schedule to be developed.

**APPENDIX I**  
**COUNCIL MEMBERSHIP**

<b>Wastewater Utility</b>	<b>Member</b>	<b>Telephone</b>	<b>Email</b>
Aspen Consolidated Sanitation District	Bruce Matherly	(970) 925-3601	acsdmgr@comcast.net
Black Hawk Central City San. Dst.	Lynn Hillary	(303) 582.3422	bhccsd@qwest.net
Boxelder Sanitation District	Fred E. Walker	(970) 498-0604	bsd@verinet.com
Centennial Water & Sanitation Dst.	Tim Grotheer	(303) 791-2185	tgrotheer@CWSDHRMD.ORG
City of Aurora	Chuck Moerke	(303) 361-0848	cmoerke@auroragov.org
City of Boulder	Floyd Bebler	(303) 413-7341	beblerf@ci.boulder.co.us
City of Broomfield	Ken Rutt	(303) 438-6339	krutt@ci.broomfield.co.us
City of Fort Collins	Carol Webb	(970) 221-6927	cwebb@fcgov.com
City of Grand Junction	Eileen List	(970) 256-4149	eileenl@gjcity.org
City of Lafayette	Mick Forrester	(303) 665-6034	mickf@cityoflafayette.com
City of Longmont	Cal Youngberg	(303) 651-8376	Cal.youngberg@ci.longmont.co.us
City of Louisville	Ken Mason	(303) 335-4780	Masonk@ci.louisville.co.us
City of Loveland	Steve Adams	(970) 962-3712	AdamsS@ci.loveland.co.us
City of Northglenn	Karl Heil	(303) 280.7800	kheil@northglenn.org
City of Pueblo	Nancy Keller	(719) 553-2278	nkeller@pueblo.us
City of Rifle	Charles Stevens	(970) 625-6272	cstevens@riflco.org
City of Salida	Randy Sack	(719)539-2448	randy.sack@cityofsalida.com
City of Westminster	Tim Woodard	(303) 452-8010	twoodard@ci.westminster.co.us
Clifton Sanitation District #2	Brian Woods	(970) 434-7422	bwoodsdsd@qwest.net
Colorado Springs Utilities	Ginny Johnson	(719) 668-4375	vjohnson@csu.org
Elizabeth	Michael Gibb	(303) 646-0916	mgibbs@ci.elizabeth.co.us
Evergreen Metro District	David Lighthart	(303) 674-5694	dlighthart@evergreenmetrodistrict.com
Forest Lakes Metro District - LaPlata	Dale Kortz	(970) 884-2925	flmd@flmd.com
Fountain Sanitation District	Jim Heckman	(719) 382-5303	fsdmanager@qwestoffice.net
Fremont Sanitation District	Jeff Blue		jeff.blue@fremontsanitation.com
Greeley Water Pollution Control Fac.	Tom Dingeman	(970) 350-9365	dingemat@ci.greeley.co.us
Holland Creek Metropolitan Dst.	Donald Odell	(970) 754-2937	dodell@dodell@vailresorts.com
Littleton/Englewood WWTP	Mary Gardner	(303) 762-2605	mgardner@englewoodgov.org
Lower Fountain Metro Service	Jim Heckman	(719) 382-5303	fsdmanager@qwestoffice.net
Mesa County	Julie Constan	(970) 255-5045	jconstan@co.mesa.co.us
Metro Wastewater Reclamation Dst.	Amy Woodis	(303) 286-3240	awoodis@mwrddst.co.us
Monument Sanitation District	Michael Wicklund	(719) 481-4886	wicklund@pcisys.net
Niwot Sanitation District	Gayle Packard-Seeburger	(303) 652-2525	gpackard@televiso.com
Palmer Lake Sanitation District	Duane Hanson	(719) 481-2732	duaneplsd@yahoo.com
Platte Canyon Water & San. Dist.	Patrick Fitzgerald	(303) 979-2333	pfitzgerald@plattecanyon.org
Plum Creek Wastewater Authority	Martha Hahn	(303) 688-1991	MarthaHahn@pcwa1.org
Security Sanitation District	Roy Heald	(719) 392-3475	r.heald@securitywsd.com
Snowmass Water & Sanitation	Ruben Salas	(970) 923-2056	rsalas@swsd.org
South Adams County Water & San.	J-M Grebenc	(303) 289-5769	jmgrebenc@sacwsd.org
Steamboat Springs Water	Gilbert Anderson	(970) 879-7700	wwtp@steamboatsprings.net
Town of Milliken	Dan Woodruff	(970) 587-4331	MWoodruff@town.milliken.co.us
Upper Blue Sanitation District	Andy Carlberg	(970) 453-2723	acbrecksan@aol.com
Upper Monument Creek Regional WWTF	Dana Duthie	(719) 488-3603	D2@donalawater.com
Widefield Water & Sanitation District	Mark McCormack	(719) 491-0128	mark@wwsdonline.com
Woodmen Hills Metro District	Larry Bishop	(719) 495-2500	larry@whmd.org
Program Support – Ferraro Associates, Inc.	Paul Ferraro	(303) 904-2177	pferraro@ix.netcom.com
Admin. Support – PC Applications	Jeannie Bowser	(505) 796-9100	admin@cwuwuc.org

Addresses can be found on the Council's website: [www.cwwuc.org](http://www.cwwuc.org)

**APPENDIX II**  
**COUNCIL OFFICERS**

<b>Position</b>	<b>Name</b>	<b>Utility</b>	<b>Telephone</b>
Chair	Dennis Stowe	Littleton/Englewood WWTF	(303) 762.2600
Vice Chair	Amy Woodis	Metro Wastewater Reclamation Dst.	(303) 286.3240
Secretary	Bob Anastasov	City of Aurora	(720) 859.4418
Treasurer	Tim Grotheer	Centennial Water & Sanitation District	(303) 791.7181
Director	Ginny Johnson	Colorado Springs Utilities	(719) 668.4375
Director	Nancy Keller	City of Pueblo	(719) 553.2278
Program Support	Paul Ferraro	Ferraro Associates, Inc.	(303) 904-2177
Admin. Support	Jeannie Bowser	PC Applications	(505) 796-9100

**EXECUTIVE COMMITTEE ASSIGNMENTS**

- Public Relations -- Bob Anastasov
- Mentoring -- Bob Anastasov
- Administrative -- Ginny Johnson
- Website/Newsletter -- (Blair Corning / Jim Kendrick)
- Seminars -- Dennis Stowe
- Legal Activities -- Tim Grotheer / Mary Gardner
- Scholarships -- Amy Woodis
- Nutrients -- Amy Woodis / Nancy Keller

**APPENDIX III**  
**SUBCOMMITTEES/MEMBERS**  
**TBD as needed**

## APPENDIX IV

### COLORADO WATER QUALITY CONTROL DIVISION KEY PERSONNEL

#### As of 12/31/10

**Address:** 4300 Cherry Creek Drive South  
Denver, CO 80246-1530

**Telephone:** (303) 692-3500

#### **Steve Gunderson, Division Director, (303) 692-3509**

**Ron Falco**, Safe Drinking Water Program Manager, 692-3569

**Sharon Williams**, Capacity Building Unit Manager, 692-3635

**Lori Gerzina**, Compliance Assurance Section Manager, 692-3587

**Scott Klarich**, Enforcement Unit Manager, 692-3564

**Rick Koplitz**, Monitoring and Enforcement Unit Manager, 692-3664

**Steve Scherma**, Planning and Assistance Unit Manager, 692-3406

**Jennifer Miller**, Engineering Section Manager, 692-3507

**Bret Icenogle**, Denver Field Unit I Manager, 692-3278

**Heather Drissel**, Denver Field Unit II Manager, 692-3419

**Gary Soldano**, Southern Regional Field Unit Manager, 719-545-4650x14

**Tom Schaffer**, North Western Regional Field Unit Manager, 970-248-7152

**Richard Parachini**, Watershed Program Manager, 692-3516

**Greg Naugle**, Restoration & Protection Unit Manager, 692-3582

**Sarah Johnson**, Standards Unit Manager, 692-3609

**Anuee Konowal**, Environmental Data Unit Manager, 692-3530

**David Akers**, Water Pollution Control Program Manager, 692-3591

**Janet Kieler**, Permits Section Manager, 692-3599

**Gary Beers**, Groundwater, Land Application and Industrial General Permits Unit Manager,  
692-3524

**Andrew Neuhart**, Assessment-Based Permitting Unit Manager, 692-3655

**Nathan Moore**, Construction, MS4, and Pretreatment Unit Manager, 692-3555

**Donna Davis**, Operations Program Manager, 692-3562

**Joanne Ruzzo**, Business Data Services Unit Manager, 692-3508

**Sonja Vaught**, Fiscal Services and Support Unit Manager, 692-3512

**Michael Beck**, Financial Solutions Unit Manager, 692-3374

Appendix V  
Inactive Environmental Issues

1) Antidegradation

Issues:

- At the 2005 Basic Standards hearing, the Water Quality Control Commission “decoupled” Cold-Water Class 2 Aquatic Life designation from automatic use protection.
- Warm Water Class 2 segments are still presumptively use-protected unless data indicate otherwise.
- Segments that have been use-protected in the past may now be subject to antidegradation review and antidegradation-based permit limits.
- Effluent-dependent and effluent-dominated segments may be subject to antidegradation review if not designated as use-protected.
- The WQCD initiated a meeting to discuss antidegradation issues to streamline the antidegradation review process, which has become cumbersome and complex. Additional dialog has occurred during the Standards Framework Workgroup meetings.
- The WQCD proceeds on the basis that Use Protection is the lowest form of water quality protection and that assimilative capacity is to be protected.

Position:

- The Council supports the concept that cumulative water quality conditions can be considered in determining whether a use-protected designation is appropriate.
- The Council supports the concept that non-chemical water quality conditions should be taken into account in site-specific situations for determining whether a use-protected designation is appropriate.
- The Council believes the application of water quality standards in POTW permits (under the Use Protection designation) results in a high level of protection of water quality in the State.
- The Council supports the concept that regulatory/policy requirements be consistent between water quality designations.
- The Council supports the alternatives analysis concept and appropriate decisions based on those analyses.
- The Council supports the concept of protecting existing water quality in the State.

### Council Actions

- The Council provided a letter to the CWQCC with comments on the antidegradation program as it is implemented in the State from the perspective of the regulated community.

### Future Council Actions:

- As needed, the Council will support use-protected designations in subsequent basin hearings.
- The Council will provide comments to the Division as appropriate.
- The Council will include antidegradation in the annual seminar sponsored by the Council.

### 2) Metals Standards - All

#### Issues:

- In 2007, the Division and EPA Region VIII denied the use of the Biotic Ligand Model (BLM) to develop a water effect ratio (WER) for copper. Use of the BLM for developing a copper WER was being proposed by multiple dischargers along the Front Range in 2007 after being an accepted practice on the South Platte River in 2003. Multiple issues were raised by the Division and EPA about the protectiveness of the BLM WER calculation. The Division and EPA did agree that dischargers could use the "criteria" function in the BLM, which was found to generate a much more restrictive copper criteria than would be generated using a WER applied to the current copper table value standard. Hydroqual produced a report for the EPA detailing how a "fixed monitoring benchmark" method would use statistically-based analysis of a dataset to identify a single copper concentration that matches the desired exceedance frequency.

#### Position:

- The Council believes that development of a WER using the BLM should be adopted as an accepted method in the State of Colorado.
- The Council recognizes that some of the current copper table values standards are overly restrictive.
- The Council opposes that the use of the BLM be limited to using only the "criteria" function and not the WER function.

#### Council Actions:

- Monitor new information and developments brought about by the EPA-Hydroqual FMB approach to determining BLM-based Cu criteria.
- The Council may consider hiring a consultant to evaluate the Hydroqual study and the methods and analyses performed on Colorado data sets.
- EPA Headquarters has been evaluating new mercury water quality criteria and the application of low-level analytical methods to measure mercury in WWTP effluent. EPA has also evaluated what would be safe levels of mercury in fish flesh. EPA released the "Draft Guidance Document for Implementing the January 2001 Methylmercury Water Quality Criterion" but has not yet finalized a way to relate fish flesh concentrations to water column

concentrations to ultimately develop a water quality criteria. In Colorado, some dischargers are required to monitor for mercury using low-level analytical techniques and some have recently had low mercury effluent limits implemented in their CDPS permit. Other dischargers still have to comply with the old mercury standard using the old analytical method.

### 3) Site Application - Guidance Document

#### Issues:

- The Site Application Regulation was updated through a workgroup process in 2009 and the adopted changes need to be incorporated into the guidance. There is a workgroup process that will continue into 2010 to rewrite the guidance as necessary.

#### Position:

- The Council supports the Site application and Design Approval Regulation in concept. The site location and design approval usually benefits the smaller POTW's the most while the larger ones typically have the resources necessary to ensure adequate treatment is available for their wastewater. The revised regulation allows for larger facilities to have their professional engineer certify that the plans, specifications, and significant amendments are in compliance with design criteria.
- The revisions to reflect the correct terminology for Preliminary Effluent Limits and Effluent limits is a major improvement.
- The guidance needs to clarify the use of the "in-kind replacement" carefully to eliminate potential problems.

#### Council Actions:

- The Council will be actively involved in the Design Criteria Guidance workgroup to insure that the necessary revisions are made

### 4) Contaminants of Emerging Concern

#### Issues:

- The Commission has approved enforceable stream standards for nonylphenol (an endocrine-disrupting chemical that may harm aquatic life), effective July 1, 2010.
- More information is needed to better understand how effective conventional wastewater treatment technologies are in removing contaminants of emerging concern (such as pharmaceuticals and personal care products) to protect human health and the environment.
- EPA and other agencies/researchers are evaluating the potential impacts from a large list of contaminants, typically referred to as Contaminants of Emerging Concern. If a contaminant is not currently regulated, water quality standards may be developed.
- Many of the contaminants of emerging concern are endocrine disrupting compounds which have been shown to adversely affect the natural endocrine system, which regulates the release of hormones.

- Many of the contaminants of emerging concern may not be removed through conventional wastewater treatment processes and may need to be regulated through pretreatment programs, public education or product bans.

Position:

- The Council believes that more research is needed on the possible effects of these compounds and what kinds of treatment/source control are viable as well as cost effective.
- The Council supports following federal, state and local activities which focus on researching contaminants of emerging concern, and if appropriate, providing funding for research.

Council Actions:

- Several Council members (Littleton/Englewood, City of Boulder, City of Colorado Springs, and Metro Wastewater) will be investigating levels of nonylphenol in influents and effluents and the effectiveness of source control/best management practices to meet water quality standards. . In June 2010 the Commission declined to adopt the Council's proposal to delay the effective date until January 1, 2017. The Division is expected to include development of a nonylphenol PQL when the PQL Workgroup reconvenes. However, it is not known when this will take place. A number of Council members have volunteered to participate in that workgroup to help determine an appropriate PQL for nonylphenol.
- Follow local efforts including the Consortium for Research and Education on Emerging Contaminants (CREEC) and comprehensive studies being conducted on Boulder Creek. Possibly support CREEC in their research.
- Follow the February 11, 2008 Federal register notice (Vol. 72, No. 239) titled Endocrine Disruptor Screening Program (EDSP); Draft Policies and Procedures for Initial Screening; Request for Comment.
- Consider developing a public education message about contaminants of emerging concern and encouraging members, and other discharges, to develop pharmaceutical take-back programs.

5) E. Coli

Issues:

- This workgroup is going to be refining the work plan to focus on understanding the TMDL process. Subsequent work will be focusing on Permit implementation challenges. The group will be hearing about a BMP effectiveness study and working to complete the survey of the 19 segments listed for E. coli, with the goal of finding some commonality and opportunities to develop templates for similar segments.
- Meetings over the last two years have included reviewing and discussing Bacteria -Pellston Workshop, Empact Beach Project, EPA Decision chart, EPA Microbial Source Tracking Document, Research subgroup TMDL Components, Pellston Workshop Results, Pellston Overview, Can Stormwater BMPs Remove Bacteria, CO Bacteria TMDL Approach for Workgroup Discussion, ASIWPCA Short-term pathogen actions, Bacteria Bibliography 2008, Natural Conditions Off-ramps and E. coli Issues Formulation.

Position:

- The Council will continue to track the work of this group through members attending the meetings. If a position arises which requires support from the membership, it will be addressed and reviewed at the time to determine the next steps.

## 6) Regulatory Schedule

### Issues:

- POTW projects are required to complete several regulatory steps before a project can be constructed and put into service. The WQCD has assembled a 'boiler plate' schedule, initially intended to assist with ammonia related projects, that is over four years in duration.
- The assembled schedule gives little time for many projects in the areas of design and construction, as well as not including time for startup activities and other activities that may be needed on a project specific basis.

### Position:

- The Council supports adequate and flexible project scheduling to achieve success on water quality related projects.

### Council Actions:

None to date.

### Future Actions:

- Include a presentation on project scheduling in the annual seminar.

Provide comments on the schedule to the WQCD staff involved in regulatory steps in project approval (site application, PELs, design review, revolving fund, etc.).

## 7) Selenium

### Issues:

- Since 1995 selenium has been a growing water quality issue of concern in Colorado.
- After lengthy hearings, Colorado retained the EPA recommended standard of 5 ug/l, but recognized that site-specific standards would be appropriate based upon a multitude of factors mitigating selenium's toxicity to fish.
- High concentrations of selenium is due to underlying shale formations.
- Over 80% of the stream segments that have been listed on the 303(d) list are for selenium.

### Position:

- The conceptual understanding of selenium occurrence and transport in Colorado has developed since 1997.
- Studies are needed to determine if the current water quality concentrations are adverse to the fish or whether the fish have acclimated to the extremely high concentrations that far exceed the generally accepted standards that are based upon fish not generally representative of many fish in Colorado's warm and sandy bottomed streams.

- The Council's Colorado Selenium database has been provided to Parametrix to include in a Western U.S. Selenium database. Rio Tinto Mining (formerly Kennicott) in Utah has funded the project for Parametrix to develop this database using a similar format to the Council's. This larger western database will be provided to the Council members for use when completed.

#### Council Actions:

- The Council hired Parametrix to consolidate and review all of the various efforts related to selenium data to evaluate site specific variability in Selenium and its bioaccumulation potential in Colorado.
  - Compiled an Access database for Colorado data.
  - Evaluated the data for similarities, differences, probable sources, and address the uncertainty of the existing standard.
  - Evaluated the effect of sulfate on the selenium toxicity.
  - Provided a report to CWWUC and the Water Quality Control Commission that summarizes the data compilation process, data collected, analyses conducted, and tools provided for extracting information from the database. The report suggests possible approaches for using the data and deriving site-specific criteria.
  - The Council provided the results of the selenium study and database to its members and to the CWQCC.
- GEI Consultants, Inc. performed a review of EPA's draft Tissue-Based Criteria document. Comments were provided to EPA.
- The Council hired GEI Consultants, Inc., to perform studies in response to a call by Charles Delos, EPA.
  - GEI performed a study to use the CWWUC selenium database to evaluate organ to whole body relationships. Resulting relationships will be compared to equations used by EPA to determine relevance of the EPA equations when applied to Colorado species.
  - GEI used the CWWUC selenium database to analyze fish population data vs. selenium concentration to measure quality of fish population... "field truth" tissue thresholds. Comments were provided to EPA.

#### Future Council Actions:

- The Council will monitor and provide input during Basin Hearings related to selenium. Several segments in the Arkansas River Basin Rulemaking Hearing adopted ambient based standards for Selenium in 2007.
- The Council will review studies performed by EPA to evaluate the Lemly Bluegill Study that was used as the primary basis of the current draft tissue based selenium criteria document.