



**Minutes of
August 9, 2006 Meeting
Littleton/Englewood WWTP**

In Attendance:

Calvin Youngberg	Longmont
Barbara Biggs	Metro WRD
Gene Michael	City of Pueblo
Dave Lighthart	Evergreen Metro District
Dennis Schump	Greeley
Tim Woodard	Westminster
Claudia Cummins	Aurora Water
Dave Akers	WQCD
Nancy Keller	Pueblo
Todd Dahlberg	Colorado Springs Utilities
Tim Grotheer	PCWA
Mary Gardner	L/E WWTP
Carol Webb	City of Ft. Collins
Andrew Hawthorn	Glendale
Robert McEvoy	Arapahoe County Water
John McGee	City of Loveland
Ray Cook	Silverthorne Dillon JSA
Chris Shelden	Silverthorne Water District
Sharon David	Metro WRD
Blair Corning	SACWSD
Dennis Rodriguez	City of Aurora
Mary Smith	CDPHE
Scott Hand	Platte Canyon W & S District
Pat Fitzgerald	Platte Canyon W & S District
Dave Meyer	City of Westminster
Ridge Dorsey	City of Boulder
Chris Laroe	Bear Creek W&S
Larry Larson	C&L Backhoe Exc. Inc.
Jerry Raisch	Vranesh & Raisch
Bear Steib	Aurora Water
Pat Nelson	CH2M Hill
Paul Ferraro	Ferraro Associates

I. Spills and Sanitary Sewer Overflows - Dave Akers, CWQCD

The Spills Workgroup will be part of the Colorado Water Quality Forum. Dave presented the following issues to be discussed by the Workgroup:

- a. To develop a Guidance Document to answer spill questions.
- b. When does one have to report a spill?
- c. When does one not have to report a spill?

There is no Federal rule at this time. Dave asked for the names of Council members who will be willing to join the Workgroup. The following members signed up to be on the Workgroup:

David Meyer	Tim Woodard	Claudia Cummins
Todd Dahlberg	Cal Youngberg	Tim Grotheer
Nancy Keller	Dennis Rodriguez	Blair Corning
Al Garcia	Andrew Hawthorn	Gene Michael
Dave Lighthart	Ridge Dorsey	Patrick Fitzgerald
Barbara Biggs	Pat Nelson	John McGee
Scott Hand	Ravi Srivastava	Paul Grundemann's Rep
Tad Foster	Amy Woodis	Gale McGaha-Miller
Ken Rutt		

The goal is for the Workgroup to accomplish a product by June 2007.

Jerry Raisch commented on this issue and his presentation is attached.

It is a State problem, not a Federal problem; State legislation, Section 601(2):

- 1. May cause pollution,
- 2. Waters of the State (i.e., groundwaters) defined broadly,
- 3. Report as soon as one has knowledge of a spill (immediately?).

Further comments:

We have a mixture of requirements and the fundamental problem is the Colorado Water Quality Act, Section 601(2). Permit says one thing to report a spill, statute another and CDPHE website another.

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- What can we and the Division do to fix the problem, if the State Act is not changed? Need a clear roadmap and identify issues and prioritize them
- How is the information used? Spill reports get into a database and may be harmful to the entity.
- What is a reportable spill?
- Need to consider stormwater overflows, especially in a basement with wastewater in the overflows.

First meeting of the Spills Workgroup - September 14, 2006 @ 1 PM at the Health Department. Dave will get a room.

II. COWARN, Colorado Water / Wastewater Agency Network, Utilities Helping Utilities - Mary Smith, CWQCD

A copy of Mary's presentation is attached.

Additional Comments:

- Paul will send Mary a copy of the CD prepared by Brown & Caldwell. Paul will also make several copies of the CD for distribution.
- The Mentoring Committee is to review the Mutual Aid document.

III. Election of Officers - Slate of Nominees - Claudia Cummins

Claudia presented the following slate of nominees for the Council Officer positions for 2006-2007:

Position	Name	Utility	Telephone
Chair	Nancy Keller	City of Pueblo	(719) 553-2862
Vice Chair	Amy Woodis	Metro Water Reclamation District	(303) 286-3240
Secretary	Claudia Cummins	City of Aurora Water	(303) 739-7391
Treasurer	Paul Grundemann	Centennial Water & Sanitation District	(303) 791-7181
Director	Tim Grotheer	Plum Creek Wastewater Authority	(303) 688-1991

- A ballot will be sent to all members. Submit your vote to Mary Gardner via email or fax if you will not attend the Vail meeting.
- The final vote will be at the Annual Meeting in Vail on September 11th.

IV. Updates

- RMWEA Liaison Report – No report.
- Water Utility Council (CWUC) Update – Sharon Davis reported:
 - Dave Akers talked about spills at the CWUC meeting.
 - CWUC is interested in a joint mentoring program. Mark Harmon soon will be sending Nancy a letter of intent to have a joint program.

V. Open Discussion

- Tim Grotheer mentioned that the Water Reuse Seminar is scheduled for Thursday (8/10/06) at the Colorado School of Mines.
- The 17th Annual South Platte Forum will be held October 25 & 26 in Longmont. A brochure is attached.
- The October meeting will be held at the Plum Creek Wastewater Facility and will also consist of a tour of the facility.

- Pat Nelson suggested that the Council have a list of concerns regarding spills by the next Council meeting after the Workgroup meets in September. The Council to discuss the list at the October meeting at Plum Creek.
- Barb Biggs was asked by Dave Akers to participate on the Citizen Advisory Group for Source Water Assessment and Protection Project. She agreed.

The meeting adjourned at 3:00 p.m.

Next Meeting: September 11, 2006 at 7 a.m. in Vail

Information from Jerry Raisch:

Colorado Spill and Discharge Reporting Requirements

I. Colorado Water Quality Control Act § 601(2)

Any person engaged in any operation or activity which results in a spill or discharge (of any substance) which may cause pollution of the waters of the state contrary to the provisions of this article as soon as he has knowledge thereof, shall notify the division of such discharge. (emphasis added)

The fundamental problem is the broad applicability of the statutory language, i.e.:

- “May” cause pollution.
- “Waters of the state” definition is broad.
- “As soon as he has knowledge thereof.”

II. Discharge Permit Regulations, § 61.8(5)

d) The permittee shall report the following circumstances, orally, within twenty-four (24) hours of becoming aware of the circumstances and, in writing as provided in paragraph (e) of this section

- i) Circumstances leading to any noncompliance that may endanger health or the environment;
- ii) Circumstances leading to any unanticipated bypass that exceeds any effluent limitation in the permit;
- iii) Circumstances leading to any upset which exceeds any effluent limitation in the permit; and
- iv) Any violation of a maximum daily discharge limitation for any of the pollutants listed by the Division in the permit to be reported within twenty four (24) hours. This list shall include any toxic pollutant or hazardous substance or any pollutant specifically identified as the method to control any toxic pollutant or hazardous substance.

(e) The permittee shall report to the Division, in writing, any circumstance subject to the 24-hour notification requirement described in paragraph (d) of this section. The written report shall be submitted to the Division within five (5) working days of the time the permittee becomes aware of said circumstances. The written report shall contain a description of the noncompliance and its cause; the period of noncompliance; including exact dates and time, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(f) The permittee shall report all instances of noncompliance not subject to the notification requirements described in paragraphs (c) and (d) of this section, at the time the monitoring reports (DMR) required by section 61.8(4) are submitted. The reports shall contain the information listed in paragraph (e) of this section.

These requirements are more specific and not as broad as those included in the statute. It could be argued that if you have a permit and if you complied with these provisions, the statutory requirements are satisfied.

III. The CDPHE/WQCD Spill Report Website

Releases to Water

A release of any chemical, oil, petroleum product, sewage, etc., which may enter waters of the State of Colorado (which include surface water, ground water and dry gullies or storm sewers leading to surface water) must be reported to the Colorado Department of Public Health and Environment immediately (25-8-601 CRS). Written notification to the Department must follow within five (5) days (5 CCR 1002-61, Section 61.8(5)(d)). Any accidental discharge to the sanitary sewer system reported immediately to the local sewer authority and the affected wastewater treatment plant. Releases of petroleum products and certain hazardous substances listed under the Federal Clean Water Act (40 CFR Part 116) must be reported to the National Response Center as well as to the Department of Public Health and Environment as required under the Clean Water Act and the Oil Pollution Act.

The first sentence of this paragraph tracks § 601(2) interprets “as soon as he has knowledge thereof” as “immediately.” Under the discharge permit rules, the time limit is within 24 hours. The second sentence requires written notification within 5 days and cites § 61.8(5)(d) of the permit regulation. This section applies only to “permittees” and is not generally applicable.

IV. Problems

- Permittees want to do the right thing. When an incident happens, they need clear and simple direction.
- Permittees will over-report to be conservative.
- Permittess do not want reports filed pursuant to § 601(2) included in their permit file.
- The website requires any spill or discharge to be reported immediately. The discharge permit requires other than those that require 24 hour oral notification to be reported with the DMR. eg. violations of daily maximum limits.