



**Minutes of
December 9, 2009 Meeting
at Littleton/Englewood WWTP**

In Attendance:

Tad Foster	Law Office of Tad Foster
Bob Anastasov	City of Aurora
Dennis Stowe	Littleton/Englewood WWTP
Blair Corning	SACWSD
Colleen Young (via telephone)	Greeley Water & Sewer
Dave Meyer	City of Westminster
Ginny Johnson	Colorado Springs Utilities
Steve Gunderson	WQCD
Richard Leger	City of Aurora
Jill Piatt Kemper	City of Aurora
Tim Woodard	Westminster
Nancy Keller	Pueblo
Mike Bittner	Silverthorne/Dillon
Dave Akers	WQCD
Paul Ferraro	Ferraro Associates / CWWUC

Meeting was conducted by Blair Corning

I. WQCD Activities and Policies, Steve Gunderson (CWQCD)

Steve presented as follows with input from Dave Akers:

- State Budget - Joint Budget
 - The Department is trying to keep the funding it receives from the General Fund (15%), \$2.7 million, \$1.3 million.
 - Craig Harper, Budget Office, says that they can raid the W. Q. budget: Clean Water would have a 45% increase in fees and Drinking Water 288% to offset the General Funds loss.
 - Cannot charge to cover budget items for certain items like the Alamosa problems in 2009. General funds are necessary to cover expense for services that can not be charged.
 - The Governor wants to retain the General Fund for the Division.
 - General Fund pays for 43 FTEs.

- General Fund is also used to match EPA funds.
- There will be a stakeholders meeting in January to discuss a Fee Bill
- WET - State / EPA
 - EPA is pushing for implementing sublethal WET limits in permits in 2011.
 - State to have a stakeholders process in 2010.
 - In January the State will begin the process and complete it by September 30, 2010 to meet the EPA's deadline.
 - State is looking primarily at reasonableness, independent applicability, and determination of reasonable potential. Dave spoke to Paul G. recently regarding the State's approach. The State wants to accept the CWWUC offer to fund a project to collect only the data location for how other states are implementing WET - not analysis of which procedures are better. The Workgroup is to do the analysis.
 1. ASWIPCA, are they looking at WET? Not at this time.
 2. Look at the States that EPA says are good - 2 Eastern and 2 Arid, for example Washington, Oregon, Utah and Kansas. Not California.
- Discharger Specific Variances
 - The Division sent out a proposal this morning and they are requesting comments on by January 7th.
 - Temp Modifications would still be available in certain situations.
 - Compliance schedule beyond 5 years is likely with a triennial review.
 - WQCC would probably establish an alternative standard for permit implementation of the discharger specific variance after hearing testimony.
- Nutrient Criteria
 - In February the Division to lay out initial numbers for river and stream nutrient standards.
- Electronic Reporting
 - EPA Priorities:
 1. Targeting enforcement on water quality problems on water bodies.
 2. EPA oversight of the states that are not doing enforcement properly.

3. Electronic reporting to become mandatory. DMR hard copy to state then to EPA electronically or electronic reporting directly to EPA by dischargers.

- Reg. 22 - Guidance Document
 - Process has been laid out by the Division
 - Guidance Document - a draft document to be developed and sent out to Workgroup in February 2010.
 - Design/Build is a concern and how it will be addressed in the document needs to be developed.
- Pesticides
 - State met with the Municipal League and will meet with Colorado Counties.
 - Permits for the use of pesticides on one's property near water bodies will be required by April 29, 2011.
 - Nationwide - 300,000 pesticides permits will be required.
 - EPA will have their General Permit Notice in April - Final by December 2010. The States are being encouraged to develop their general permits concurrently.

A lot is going on! Steve requested that we let Steve Tuber state his case next month about the State / EPA agreement and not have a State person talk. WET is an issue in the Performance Partnership Agreement.

II. There was no discussion regarding the 2010 Monthly Schedule

III. **Updates**

- **Standards Framework Workgroup.** No report.
- **Water Utility Council.** Still working on impoundments, i.e., Solid Waste Division vs. WQCD. (Reclaimed Waters Impoundments to Reg. 84 out of Reg. 61). Have to show that they are not impacting groundwater.
- **Stormwater Council.** EPA making significant changes in 2012. Three questionnaires that are very long - 31-61 pages. Want to redo stormwater regulations. Comments due by the end of the year. Construction Permits – 20+ acres will have to do monitoring. In four years construction sites of 10 + acres will need to do monitoring. No changes until after 2012. Stormwater to be free from trash.
- **WET.** See above. Also, Steve Canton and Tim Moore to work on WET for the Council. Texas has removed WET out of its regulations. Tim Moore has worked in a lot of states and knows which states have approved WET programs that allow permit implementation that is reasonable.

- **Discharger Specific Variances.** See above.

III. Open Discussion

- Dennis mentioned that the limit for arsenic in their permit is 0.02 mg WWTP, while 10 mg for Drinking Water. Issue - Point of Compliance? EPA will leave the issue alone unless the State changes its regulations.
- Newsletter - Blair was asking for articles for the next issue in January. In the future, Jeannie is to send the newsletter to all members directly as an attachment.

The meeting adjourned at 3:00 PM.

Next Meeting: January 13, 2010 at 1:00 PM at L/E WWTP