

**Colorado Water Quality Forum Retreat  
Beaver Run Resort & Conference Center  
Group Memory**

**July 20-21, 2009**

**Retreat Participants:** Dave Akers, Terry Baus, Gary Beers, Dan Beley, James Boswell, Cindy Brady, Tom Browning, Lisa Carlson, Joan Carlson, Joan Chavez, Blair Corning, Jeff Crane, Trisha Culp, Mike Eytel, Mary Fabisiak, Tad Foster, Paul Frohardt, Eric Fry, Bert Garcia, Mary Gardner, Paul Grundemann, Steve Gunderson, Karen Hamilton, Jeannette Hillery, Christine Johnston, Sarah Johnson, Dennis Jones, Denise Keehner, Nancy Keller, Janet Kieler, Sean Lieske, Fred Linton, Vic Lucero, James McCarthy, Rich Muzzy, Greg Naugle, Andrew Neuhart, David Nickum, Jon Novick, Connie O'Neill, Dianna Orf, Dick Parachini, Jill Piatt Kemper, Annette Quill, Gabe Racz, Sara Reeves, Jennifer Richards, Martha Rudolph, Robert Sakata, Larry Svoboda, Amy Woodis, Matt Zoccali

**Monday, July 20, 2009**

**2009-2010 Issues List**

***The WQF Retreat Participants reviewed and refined the following Issues impacting water quality in Colorado.***

1. 2008-2009 CWQF work groups:
  - a. Membrane Treatment (Dave Akers/Laurie Rink)
  - b. Practical Quantitation Limits Guidance (Dave Akers/Sharon Davis)
  - c. Nutrient Criteria (Jim Saunders/Blake Beyea/Mary Fabisiak)
  - d. Aquatic Life Classification (Chris Theel/Blair Corning)
  - e. Discharge Permit Implementation (Janet Kieler/Christine Johnson)
  - f. Agricultural Diversions (Gary Beers/Landon Gates)—Until 9/08
  - g. E coli (Jim McCarthy/Becky Dunavant)
  - h. Standards Framework (Paul Frohardt/Amy Woodis)
  - i. Regulation 22/Site Application (Dave Akers/Jennifer/Larry)
  - j. 2010 Section 303(d) Listing Methodology (Aimee Konowal/Amy Woodis)
  - k. Antidegradation Policy and Guidance (Steve Gunderson/Dave Akers)
  
2. Upcoming Water Quality Control Commission rulemaking hearings:
  - a. Primary Drinking Water Regulations (08/09).
  - b. Lower Colorado site-specific standards (CAM Colorado), Reg. #37 (11/09).
  - c. Temporary mods, Regs. #32-38 (12/09).
  - d. CAFO discharge permit regulations, Regs. #61, #81 (12/09).
  - f. Biosolids Regulation, Reg. #64 (02/10).
  - g. Surface Water Basic Standards, Reg. #31 (06/10).
  
3. Upcoming Water Quality Control Commission administrative action hearings:
  - a. Wastewater Design Criteria, Policy 96-1 (10/09)
  - b. Financial assistance intended use plans (11/09).

- c. Nonpoint Source funding for FY09 (03/10).
  - d. 2010 Section 305 Report (03/10).
  - e. Sediment Guidance, Policy 98-1 (04/10).
4. Upcoming WQCC triennial/routine review hearings:
    - a. San Juan/Gunnison, Regs. #34, #35 ISH (10/09).
    - b. Annual public comment hearing (10/09).
    - c. Basic Standards, Reg. #31 IFH (11/09).
    - d. Cheraw Lake control regulation, Reg. #75 TRIH (11/09).
    - e. Pretreatment Regulations, Reg. #63 TRIH (02/10)
    - f. Dillon Reservoir control regulation, Reg. #71 TRIH (04/10).
  5. Antidegradation policy and guidance document
  6. Future water quality program funding.
  7. Groundwater Commission as a SB 181 Agency
  8. EPA guidance re water quality standards for effluent dependent/dominated waters.
  9. Colorado Water Quality Monitoring Council status
  10. Colorado Ground Water Quality Protection Council.
  11. EMS permit
  12. Proposed "Good Samaritan" Act/1872 Mining Law
  13. Source Water Protection Program.
  14. Standards and permit implementation
  15. Single event violations policy implementation
  16. Fish consumption advisories
  17. Whole effluent toxicity test implementation
  18. Discharge permit jurisdictional issues (e.g. Miccosukee, Catskills, Talent Irrigation, inter-basin transfer issues, vessels, etc.)
  19. Pesticide Permitting
  20. Water quality standards data base
  21. Selenium standards.
  22. Upcoming Drinking Water issues

23. Salinity issues.
24. EPA Performance Partnership Agreement/Strategic Plan efforts.
25. EPA enforcement response guides
26. State enforcement response guidance
27. Waste disposal challenges related to advanced drinking water treatment
28. Rocky Mountain National Park air deposition issues.
29. CAFO permitting issues
30. Solid Waste Section 9 impoundment regs.
31. Oil and Gas issues (including coalbed methane)  
--CDPHE consultation role re: water quality
32. Oil Shale issues
33. Emerging contaminants
34. Discharge permit policies and implementation
35. Rapanos decision implications (including the Clean Water Restoration Act)
36. TMDL update
37. Citizen outreach
38. Infrastructure sustainability, cost, and funding  
--including possible Water Protection and Restoration Act)
39. Emerging treatment technologies
40. ISIS implementation, including electronic discharge monitoring reports
41. Aquatic invasive species and nuisance control
42. Onsite Waste Water System Management
43. Agricultural Diversions (Gary Beers/Landon Gates)
44. Antidegradation Implementation
45. Domestic groundwater system issues
46. Best professional judgment for ELGs
47. Bark Beetle impact on water quality issues
48. Climate Change and water quality
49. Membrane Treatment Pilot Project

**EPA Headquarters (Denise Keehner, Office of Science and Technology)**

Water quality issues and priorities from the perspective of the new federal administration. Items discussed included:

1. Numeric Nutrient Standards is a priority area for EPA. The Nutrient Task Force will issue a report by fall of 2009.
2. Selenium Criteria. Have held workshops with scientists regarding fish tissue base numbers and related water column levels. Will know in a fall to winter timeframe.
3. Antidegradation Program. Due to implementation issues at the state level, it is anticipated that there will be new guidance and/or policies in the next year.
4. *Waters of the US* (Rapanos Decision). Primary focus for EPA is to assist the legislature in clarifying this issue. Secondary focus will be a guidance document
5. Pesticide NPDES Permitting. Court agreed to stay which will allow EPA/States to develop permit framework by April 2011 Currently developing prototypes of general permits and will get input from States (September 2009)
6. Water Transfer Rule. Question for EPA: Should EPA seek a remand to this rule? New leadership at EPA will consider whether a change is needed.
7. CAFO Rule. EPA wants to see how the rule as written works. EPA is considering covering smaller animal feeding operations to address nutrients.
8. Alaska Rule regarding slurry or fill material. EPA will begin to develop implementation guidance for this Supreme Court decision.
9. Urban Waters. New Administrator, Lisa Jackson, is requesting a strategy about water quality goals in an urban setting with specific emphasis addressing social justice issues.
10. Effluent-dependent, -dominated waters. Do not currently know where the new leadership will go with this issue.
11. OMB. Administration evaluating the threshold for OMB review.
12. Recreational. Will be Technical work, research completed by December 2010 and developing criteria by 2012.

#### **Statewide Regional Water Quality Planning Efforts**

[Handouts/power point presentations are available upon request]

- Statewide Water Quality Management Plan development  
(Dick Parachini/WQCD Staff)
- COGs perspective, issues and role in planning efforts  
(Connie O'Neill, NFRWQPA /Rich Muzzy, PPCOG)
- Colorado Watershed Assembly perspective (Jeff Crane)
- Linkage between 208 plans and Regulation 22 (All)

#### **Draft list of expectations regarding external water quality standards rulemaking proposals**

(Paul Frohardt/Steve Gunderson)

Draft document available upon request. Participant comments on document include:

- Provide examples on what is not ripe (most helpful)
- Timing may be difficult if we have to have proposal at scoping stage.
- Get comments to Steve Gunderson by next week (July 27, 2009)

#### **Panel: Future Water Supply Options and Water Quality**

[Power point presentations and handouts available upon request]

- Overview: Future water supply options (Tom Browning, CWCB)
- NEPA processes and the Role of EPA  
(Bert Garcia and Larry Svoboda, EPA Region VIII)
- Utility Perspective (Cindy Brady, Denver Water)

#### **Discharge Permit Implementation Issues** (Amy Woodis)

[A handout is available upon request]

Communication between dischargers and Division, brainstormed retreat participant ideas regarding opportunities to comment on draft discharge permits:

- Provide opportunities when specific issues need to be addressed (but be time limited and not involve “word smithing”)
- Division is still meeting but have not been releasing documents
- Need better public notice for permit public notice (general permit)
- Some people want earlier public notice before it is close to final
  
- Some people are suspicious about division meeting with permittees- need to strike a balance
- “Old way” of permit process was too arduous- need a compromise with boundaries
- 30 days is hard for cities that need to get comment/approval from elected bodies that meet infrequently.

### **Tuesday July 21, 2009**

#### **Division Policy Issues and Fee Bill Update** (Steve Gunderson)

[A handout is available upon request]

Participant comments:

- Division recognizes need to update policy and guidance and are working on it.
- Implementation guidance during a rulemaking is difficult because it is a moving target; might consider “draft implementation.” Resources are a problem.
- Some people want more guidance rather than less.
- Need a method developed when there is a new standard
- “Current best knowledge” needs further definition (policy and guidance)
- There will always be a tension between certainty and flexibility

Fee Bill Possibility Feedback:

- Economist would be helpful/good
- Would not be opposed to increase in drinking water fee if we got online reporting/compliance reports
- We are all facing same problems of being short staffed, overworked; resource issues are the same. Will be a challenge this year. We should wait and get buy-in from others during the year.
- Legislative session will be particularly contentious- wait until next year
- If Stormwater found that we were getting more support it would help us to get behind it (a separate bill?)
- Pueblo has positions not filled and are relying on volunteers; it will be a hard sell to council at this point
- 2005 process should be utilized as a model
- Concern about a possible WET person

### **Water Quality Forum Process**

***What is working?***

- The Minutes
- The Website and its utilization
- Division/commission updates
- Workgroups are important place for contentious issues. Have more short term work groups

- Permit working group/ Reg. 61 (Everyone was participating)
- WQF is glue that keeps other water quality efforts going because of the Division's participation
- Reg. 22 workgroup process

***Possible Changes Needed***

- DRCOG's Layout (too formal)
- Call in procedure not always working
- Considering changing bi-monthly meeting agendas
- Need bimonthly meetings to get hard issues on table (both workgroup issues unresolved and issues that may be outside the work group)
- Reframe agendas to put forth division proposals and suggestions for alternatives
- We have listeners but need participation in work groups and meetings
- Would like the wastewater utility council to increase funding and research capability to support efforts
- Information/documents do not have enough time to digest for working group process
- Nutrient and permits working groups seem less participatory
- Would like to have additional meetings that are not division lead
- Some work group have a huge scope hard to keep track
- Would like to have more supply issues address re: H2O quality
- Change meeting location (Metro, CDPHE)
- Working group participation needs to include process participation and input (need to prioritize issues to be appraised)

**2009-2010 Meeting Dates (12:30-4pm)**

Sept 21	Metro
Nov 16	Metro
Jan* 19	Metro (Amy will confirm) [Note: Metro is not available; need to revisit location]
Mar 15	Sabin Room, CDPHE
May 17	Sabin Room, CDPHE
Retreat**	Mon/Tues in July (Check with IBCC, CWCB Western Water Workshop)

\*\*Utilize check box for scholarships for registration  
 The following committees were confirmed:

Executive Committee

Robert Sakata, Jeanette Hillery

Agenda Committee

Paul Frohardt, Steve Gunderson, Mary Fabisiak, Sean Lieske, Jeanette Hillery, Amy Woodis

Minutes Committee

Christine Johnston, Mary Fabisiak

Website Czar\*

Mary Gardner

**COLORADO WATER QUALITY FORUM 2009- 2010 Work Plan**

To develop a Colorado Water Quality Forum work plan for the coming year, a comprehensive issues list was developed and was triaged by:

- (i) Issues for work groups or other proactive CWQF attention;
- (ii) Issues for monitoring or informational briefings only;

- (iii) Issues that are not a priority for CWQF attention at this time.

**2009-2010 CWQF work groups:**

[The work groups are open to anyone who would like to participate, please contact the Chairperson or go to the Forum website at [www.cwqf.org](http://www.cwqf.org) to find meeting times]

- a. Practical Quantitation Limits Guidance (Dave Akers/Sharon Davis)
- b. Nutrient Criteria (Jim Saunders/Blake Beyea/Mary Fabisiak)
- c. Aquatic Life Classification (Chris Theel/Blair Corning)
- d. Discharge Permit Implementation (Christine Johnston/)
- e. E coli (Jim McCarthy/Becky Dunavant)
- f. Standards Framework (Paul Frohardt/Amy Woodis)
- g. Regulation 22/Site Application (Jennifer Miller/Connie O'Neill)
- h. Onsite Waste Water System Management (Dave Akers/Barbara Dallemund)

**Issues for monitoring/informational briefings at CWQF Meetings**

**September 21, 2009**

- Antidegradation Policy Implementation
- Solid Waste Section 9 impoundment regs. (Solid Waste/Division/Utility Council)
- Rapanos decision and the Clean Water Restoration Act (Mark Pifher) [My notes for the CWRA just say "regular updates as appropriate"]
- Whole effluent toxicity test implementation (Separate meeting w/EPA and stakeholders?)
- Future water quality program funding

**November 16, 2009**

- Water Quality Standards Data Base
- Colorado Water Quality Monitoring Council status
- 2010 Section 305 Report
- Emerging contaminants/"Take Back" Pilot (Greg Fabisiak)

**January 19, 2010**

- Agricultural Diversions (Gary Beers/Landon Gates)
- Source Water Protection Program (Mary Fabisiak)
- CDPHE Oil and Gas consultation role re: water quality
- Colorado Ground Water Quality Protection Council (check w/Andrew)
- Sediment Guidance, Policy 98-1

**March 15, 2010**

- Bark Beetle impact on water quality issues (Water Resources Research Institute/Joan Carlson/others?)
- Standards and permit implementation (Dick Parachini)  
--Update on integration of the two efforts

**May 17, 2010**

- Climate Change and water quality (Jon Novick- 20 minutes)
- Single event violations policy implementation (Dave Akers)

## **Meeting Evaluation**

### *What worked?*

- Hotel and logistics
- Denise Keehner! (Paul Frohardt will send a thank you note)
- Participation (despite other water meetings)

### *What would you change?*

- Schedule to avoid conflicts!
- Going through the issues list twice
- Should have the happy hour at the bar
- Timing on agendas during the year