RMWEA Government Affairs Committee Meeting

DATE & TIME: MAY 23, 2019 | 5:00PM
LOCATION: 5251 DTC PARKWAY, SUITE 405, GREENWOOD VILLAGE, CO 80111

ATTENDANCE

PRESENT:
- Barbara Biggs – General Manager for Roxborough Water & Sanitation District
- John Burgess – Operations Quality and Condition Auditor for South Platte Water Renewal Partners
- Jamie Eichenberger – Associate Vice President for HDR
- Randy Kenyon – Senior Engineer for CRGS
- Shelby San Nicolas – Colorado Office Manager for Garver (notetaking)

CALLED IN:
- Michelle Campbell – Environmental Technician for Colorado Springs Utilities
- Dan DeLaughter – Data and Regulatory Programs Manager for South Platte Water Renewal Partners
- Bob Gensemer – Vice President and Senior Ecotoxicologist for GEI Consultants
- Carol Martinson – Project Engineer for TriHydro Corporation

COVERED AGENDA ITEMS

- Introductions
- Confirmation of Next Meeting Date/Time – June 27 @ 5PM, Garver office
- Review of Water Week Fly-In (April 3rd and 4th in Washington D.C.)
  - Update provided by Carol Martinson and Jamie Eichenberger
  - Great article written by Carol!
  - This was an extremely high-value event—if you ever have the chance to attend, don’t miss it!
  - Being the only representative from Wyoming, Carol had an intensive and personal experience as she met with delegates. She was able to spend time with her delegates and Senate Committee for environment and public work.
  - Attendees had the opportunity to hear from all the EPA directors, office wastewater, drinking water, ground water and all the various other ones to learn about what’s coming up in the industry.
  - David Ross, the Assistant Administrator of EPA’s Office of Water discussed key EPA priorities
    - PFAS (see below)
• Creating markets for permit compliance—how do we do trading in a way that makes sense?
• Workforce development
  a. They’re putting resources towards convening around this topic. They met back in November. There will be a transformative issue symposium August 7-9 in DC around this issue. They’ll discuss recruitment, retention, resources that are available, etc.
• Biosolids/PFAS was the hot topic of the week.
  • EPA has not changed their stance on biosolids: Beneficial reuse and land application is the best use of biosolids and will continue to promote that viewpoint.
  • EPA has recognized that they dropped the ball on this issue, but agencies have decided to restart biannual meetings and bring in academics to those meetings. They’d like to get the national biosolids inventory up and running. The next convening has not been scheduled, but we should expect more to come on this issue. Big changes are not expected, just more done on the public outreach and understanding side.
  • The state of Maine has placed a moratorium on biosolids disposal because of PFAS. They stated that the EPA is not working fast enough to fix the issue, so they did their own thing. If you test positive for PFAS at the set limit, you cannot land apply. The anticipation is that no one will pass, because PFAS is essentially everywhere. A critical consequence to this new policy is that biosolids are piling up rapidly, and utilities have no place to put them.
  • They are working on messaging around this alongside the EPA: Wastewater treatment plants are not sources of PFAS. The only reasonable way for us to control this is through source control. Levels are likely low enough that there are no issues. Language would have to be a little squishy, e.g. “there is no known health impacts associated with it.” We know PFOA and PFAS are bad for you, and they aren’t being produced any longer. The public is scared about the rest of the compounds that fall under that same umbrella. The EPA is skilled at science-based policymaking, but that take over a decade to get done. Instead, state legislators are acting out of concern and making non-science-based policies due to media exposure. The key to combatting this will likely be public outreach and education.
  • EPA has committed to generating MCLs by the end of the year.

• Review of Key Committee Issues
  a. Technologically Enhanced Naturally Occurring Radioactive Material (TENORM)
    • Update provided by Barbara Biggs
    • The draft report is out. The comments are posted, but the Hazardous Waste division is saying they don’t have the resources to respond to all the comments. The Water
Quality Control division submitted 17 pages of comments on the draft report. There were tons of inaccuracies. The wastewater section was pretty accurate (potentially written by Metro), but the drinking water side was completely wrong. Now that the report is out and everyone has had a chance to read it, they’re supposed to be restarting the stakeholder meetings for the regulatory development piece of that.

- They are looking to apply TENORM to biosolids. Part of the issue is drinking water residuals. This is cost-prohibitive on smaller utilities.

b. Regulation 22

- **Update provided by Barbara Biggs, Dan DeLaughter, and Jamie Eichenberger**
- Brett Icenogle gave a brief update at the Water Quality Forum meeting early in the week. Things are moving forward for the proposed rulemaking some time next year to get update the regulations.
- The design flow capacity, flexibility issue—that piece is stalled out right now because of the division has had so much turnover in permits in the AG’s office that they're just trying to get their own house in order and figure out what they legally can do. They’re trying to find the flexibilities, but it is a question of how.
- **FROM APRIL MEETING TASK: Amy Zimmerman to send more information on the stakeholder subgroups to JAK about the issue and how to get more involved.**

c. Regulation 100

- **Update provided by Barbara Biggs**
- They are going to rerate facilities in terms of whether they’re A, B, C, D. Working on a process. The regs have changed and there’s a new regulatory understanding requirement for operators. The online portal has been down for a while, and it should be up by the end of May.
- Training units and approval of training seminars used to be done by the Operator Certification Program Office (OCPO), which no longer exists. ABC won a bid to come in and take over the program, then they walked away after being told they needed to have a Colorado office. Rural Water is now the administrator for the TU program. SETC is still around, despite rumors of it being dissolved. Rural Water should be more responsive than OCPO was.
- **Jamie** - Reg 100 comes together with the workforce development topic. This is one of those 10-year things. At some point, we need to get some sort of national certification for operators so they have a little more flexibility in moving back and forth. The way I've heard envisioned is similar to the professional engineering way, where you've got one base exam, and if your state really has some state-specific requirements, it can be an add on. It will take changes in state law across all 50 states. However, the goal would be to get the point where we can say training from these organizations (WEF, AWWA, etc.) is qualified to be taken for credit. Review of these should be done less frequently than annually.

- **Renewable Fuel Standard**
- **Update provided by Randy Kenyon**
- Interest is growing on this issue.
• American Biogas Council is the major player doing lobbying.
• Colorado would be one of many states, so there is momentum on the issue.
• Colorado will be using California’s Standards.
• This is a longer-term matter, more prevalent in the next couple of years.

e. Perfluoroalkyl Substances (PFAS) Contamination
  • Update provided by Jamie Eichenberger, Barbara Biggs, and Randy Kenyon
  • See above

f. Lead and Copper (L&C) Rule
  • Update provided by Barbara Biggs
  • Heard from the Water Quality Forum that EPA is still saying that the updated L&C Rule will be out by the end of the year.
  • The Division sent out an email to all drinking water providers in the state. They're really cracking down on how do you pick your homes, do you have them on the list, and how do you justify making a change if you can't get somebody to cooperate. Smaller districts really struggle to get these samples done, and then they need to go right back to the same houses, which is challenging. Getting reduced to annual sampling is almost impossible.

g. Temperature Standard
  • Update provided by Barbara Biggs, Dan DeLaughter, and Randy Kenyon
  • It's being implemented in people’s permits. Water Education Colorado ran an article, stating that utilities are going to start cooling their effluent. Metro is trying to take a stepwise phased implementation adaptive management approach. They're in the process right now of finishing up some stream habitat improvements. If you go downstream of the Hite facility, the river’s completely thermally stratified. So you have the upstream water, the effluent... then the sand creek kits and it's a separate stratification and, and then clear creek kits. And it's a separate stratification because water is denser at different temperatures.
  • When we did the study, you could achieve a three degrees Celsius reduction in the overall stream temperature if you could get those flows to mix.
  • They’re also cooperating with the redevelopment of the National Western complex and putting in heat recovery. This sounds cool but when you get to the effluent, you’ve made a half-degree difference on a four-degree (or more) problem.
  • Most wastewater plants have a temperature problem during winter because they're warming the streams during the winter months. They are looking into other methods. There's been some work that's been done at Red buttes and Colorado State on what the thermal triggers are for some of these fish. Fish have different triggers for spawning. The most sensitive species in the South Platte is the Johnny Darter. The first round of studies showed that water temperature is the trigger, and once they spawn, they aren't going to spawn again. Some of the other species might spawn in the winter and those fry won't survive, but they'll spawn again.
• CSU presented results of Johnny Darter studies. They kept the fish at two different temperatures, 4 degrees and 12 degrees. They had to start over on the 12-degree study, but they have been able to get data back on the 4-degree study.

• EPA is working on new aquatic life criteria, trying to move towards site specific standards for chlorides and aluminum. Coliphage—they have an analytical method. They’re putting out peer review article and future criteria is pending. So, they are targeting external peer review in 2020 so we may see virus standards move. That'll impact those who are using both UV for disinfection and peracetic acid for disinfection. Right now, pathogen limits are based on E coli. and Coliphage.

• Everybody who has been switching away from chlorine may end up having to go back or do combined systems. You can do much lower chlorine dose to get the virus removal, if you’re counting on UV for your bacteriological removals. They’re looking for an external peer review of the future criteria, potentially as early as next year.

• Review of Outside Group/Committee/Organization Involvement

  a. Inventory of Involvement
     • WEF National Government Affairs Committee Updates – Jamie
       ○ Policy subcommittee group working on revising policies to support advocacy work around funding issues.
       ○ Renewed emphasis on biosolids, PFAS (see above)
       ○ If you're interested, they send out some good information about bills that are going through nationally
       ○ Water Advocates Program - They send out updates on national water issues and make it very easy to send letters to your elected representatives.

     • Colorado Wastewater Utility – John and Dan
       ○ Review at next meeting

     • Water Reuse Association of Colorado – Will
       ○ Review at next meeting

     • Colorado Water Congress – Barbara and Jamie
       ○ Most work is surrounding the Waters of the US rule. They have made it through the 800,000 comments that were submitted and are now working on next steps.
       ○ Maui Decision – Doing deep water injection, so the regulator to the groundwater rule and they’re meeting the groundwater requirements. Eventually, though, that groundwater makes its way to the surface water. They’re saying where that hits the surface water, you must have an NPDS permit, because they’re handled under two separate regulatory frameworks. This is causing unintended consequences of needing an extraneous number of permits in the event of a hydraulic linkage or leaking sewer. The EPA is fighting this in the Supreme Court, stating that these circumstances are covered in the groundwater rule and should not fall under the Clean Water Act or the NPDS permit system.
         ○ In Colorado, groundwater and surface water are regulated the same. Under the Colorado Water Quality Control Act, waters of the state of
Colorado include groundwater and surface water. So, the state of Colorado already has the authority to regulate groundwater.

- **Colorado Municipal League – Jamie, Barbara**
  - Kevin Bommer, their new Executive Director, is well connected within RMWEA. If we could redevelop that relationship, CML could potentially keep us informed on water issues and upcoming legislation without the high fee.

- **SPCURE – Dan**
  - *Review at next meeting*

- **Optimized Corrosion Control Technology (OCTT) – Barbara**
  - About a year ago, the health department issued an order to Denver Water that they had to start adding orthophosphate as a corrosion inhibitor because it was the optimal corrosion inhibitor to all of their drinking water. The original order was three milligrams per liter, which meant that it was going to trickle down and impact the wastewater treatment plants. The other concern is that you have a lot of lawn irrigation runoff that was going to get into rivers and streams and impact nutrient levels in streams just when you’re forcing wastewater treatment plants to start taking nutrients out.
  - The Greenway Foundation was the lead plaintiff in a lawsuit against the division health department with Metro and Aurora and other parties. Denver Water intervened and have been in negotiation and in stakeholder meetings about this. Currently they are developing a variance for EPA to consider that would allow them to do two milligrams of orthophosphate instead of three. They done studies to prove this is just as effective. They’re also working on a variance that would allow them to do pH adjustment for corrosion control, accelerated lead service line replacement and point of views filters for residents in areas where there’s lead service lines while they’re going through their accelerated lead service line replacement. They’re trying to do all the lead service lines in Denver in 15 years instead of 50.

- **Special Districts Association – Barbara (Legislative Committee) will keep track of this**
- **Water Utility Council – Barbara, Jamie**
  - Focused on TENORM primarily
  - August meeting at Roxborough

### Rocky Mountain Articles:

- First article: Water Week Fly-In review by Carol Martinson
- Second article:
  - Idea: TENORM – Julie at Centennial could potentially write this
  - John Kuosman – what to queue up next

### Email Updates:

- How to best publish our meeting minutes – email blast with attachment or link
• Government Affairs Special Workshop

• Ideas
  o Nutrients
  o PFAS
  o Coliphage
  o Funding mechanisms, grant funding
  o Affordability

• Timing/Format
  o Looking at next year - should coordinate with the conference chairs sooner rather than later
  o Recommending half-day seminar, not conference track
  o Could be a special session for conference, block of abstracts, continuous, flexibility