RMWEA Government Affairs Committee Meeting

DATE & TIME: MARCH 28, 2019 | 5:00PM
LOCATION: 5251 DTC PARKWAY, SUITE 405, GREENWOOD VILLAGE, CO 80111

ATTENDANCE

PRESENT:
- John Kuosman – Colorado Water Business Team Leader for Garver
- Randy Kenyon – Senior Engineer for CRGS
- Kelly Merritt – Water Quality/Laboratory Services for Colorado Springs Utilities
- Dan DeLaughter – Data and Regulatory Programs Manager for South Platte Water Renewal Partners
- John Burgess - Operations Quality and Condition Auditor for South Platte Water Renewal Partners
- Shelby San Nicolas – Colorado Office Manager for Garver (notetaking)

CALLED IN:
- Elizabeth Dunning – Operations for the City of Socorro, NM
- Will Raatz – Principal for W2 Engineers (W2E)
- Vishnu Rajasekharan – Senior Manager for Innovation and Research, Hach Company

COVERED AGENDA ITEMS

- Introductions

- Review Proposed Goals
  a. Consistently meet as a committee, follow an established agenda.
     Previous Commentary: 2018 was a transition year and consistency was impacted. Reestablish meetings as the foundation for the committee’s success in 2019.
     • Goal approved. Agreed Meeting Time – Every 4th Thursday @ 5PM
  b. Have one committee member represent the RMWEA at the 2019 Water Week Fly-In.
     Previous Commentary: Funding exists and this is an opportunity to connect our committee to the sentinel water policy activities occurring at this event (April 3rd and 4th).
     • Goal approved. Carol Martinson will be attending the 2019 Water Week Fly-In on behalf on the committee. Carol serves on the RMWEA Young Professionals Committee and is a previously published author for Rocky Mountain Water. When she returns from DC, she will be writing an article about her time spent at the event as a committee representative.
c. **Send 4 email updates in 2019 updating the water community on committee activities.**  
   *Previous Commentary:* Reestablish connection between water community and our committee using existing weekly email format. Set the foundation for consistent publications in subsequent years.  
   - **Goal approved.** We missed the first quarter email update; however, we will provide updates for the remaining three quarters.

d. **Have Committee members publish two articles within Rocky Mountain in 2019. One article with detail a regulatory topic, one will detail a government policy topic.**  
   *Previous Commentary:* Reestablish connection between water community and our committee using existing publication format. Set the foundation for consistent publications in subsequent years.  
   - **Goal approved.**  
   - **Article #1:** Review of the 2019 Water Week Fly-In, Carol Martinson  
   - **Article #2:** We’d like to publish an educational article. We will likely need to seek a volunteer subject matter expert and include two to three coauthors to write this article.

e. **Plan a Government Affairs Special Workshop to be held in 1Q 2020.**  
   *Previous Commentary:* Use this year to identify critical topics, potential speakers, venue location, and targeted outcomes. Set the foundation for making this an annual event.  
   - **Goal approved.** We need to set a time, date and location, then begin to spread the word about our committee’s desire to host this workshop.

f. **Additional Goals?**  
   - **Host a session or track for 2020 Rocky Mountain Water Conference** (Randy Kenyon)  
     Potentially sync with goal to host a Government Affairs workshop, which would be extremely beneficial to our smaller communities who wouldn’t be able to attend two separate events.

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**Key Committee Issues for 2019:**

a. **Technologically Enhanced Naturally Occurring Radioactive Material (TENORM)**  
   - **Update provided by Dan DeLaughter**  
   - The Colorado State legislature passed a bill this session (SB 245) that gives CDPHE the authority to promulgate rules for the safe management of Technologically Enhanced Naturally Occurring Radioactive Material (TENORM).  
   - The bill requires CDPHE to:  
     - Convene a stakeholder group to discuss the development of rules and the impacts the rules might have on various industries.  
     - Review TENORM residual management and regulatory limits from other states.
Prepare a report that considers background radiation levels in the state, waste stream identification and quantification, use and disposal practices, current engineering practices, appropriate test methods, economic impacts and data gaps.

- Develop a proposed residuals management rule based on the report.

- The report must be provided to the state legislature by December 31, 2019 and CDPHE cannot file a notice of proposed rulemaking until the report is presented to the legislature.
- The rules must be adopted by December 31, 2020.
- CDPHE has hired Rule Engineering to research and prepare the report required by SB 245. The draft report has been published and is being commented on.
- Rule Engineering will be reaching out to stakeholders to gather input on the items required to be included in the report.
- Stakeholder process will resume after finalizing the report.
- Here is a link to the Rule Engineering TNORM Report: http://www.ruleengineering.com/
- Here is a link to the CDPHE TNORM Overview: https://colorado.gov/pacific/cdphe/tenorm-overview

b. Regulation 22

- Update provided by Will Raatz and Dan DeLaughter
- Regulation 22 - Site Location and Design Approval Regulations for Domestic Wastewater Treatment Works was last amended by the Water Quality Control Commission (WQCC) in 2009.
- On May 7, 2018, the WQCC held an informational hearing to obtain feedback regarding a proposed rulemaking scope to update the Site Location and Design Approval Regulation for Domestic Wastewater Treatment Works (Regulation 22).
- The WQCC agreed that the rulemaking scope proposed by us will benefit all parties by clarifying, improving, and modernizing the site location and design review processes. The scoping memo and comments are available through the WQCC’s website.
- On March 25, 2019, CDPHE hosted a meeting to discuss the 208 and local review requirements specifically related to Regulation 22. This meeting will include an opportunity for questions and input.
- There are several workgroup subgroups including one that is looking at the concept of actual flow versus design flow that could have implications on capital and operating costs at wastewater facilities.
- Here is a link to the Stakeholder page for Regulation 22 Workgroups: https://www.colorado.gov/pacific/cdphe/wq-design-review-stakeholders

c. Regulation 100

- Update provided by John Kuosman, John Burgess, Kelly Merritt, and Randy Kenyon.
- REGULATION NO. 100 - WATER AND WASTEWATER FACILITY OPERATORS CERTIFICATION REQUIREMENTS. Colorado Revised Statutes require that every water treatment facility, domestic or industrial wastewater treatment facility, wastewater
collection system and water distribution system be under the supervision of a certified operator, holding a certificate in a class equal to or higher than the class of the facility or system.

- This regulation defines the class of different types of facilities and how operator can become certified in compliance with those class requirements.
- In November 2018, the Water and Wastewater Facility Operators Certification Board updated and revised the criteria for facility classification in Regulation 100. These sections had not been updated since 2000.
- The revisions focused on the complexity of facility operations as related to environmental or public health exposure, not the level of plant automation or current staffing.
- These revisions are important because treatment facility and distribution/collection system classification establishes the minimum certification level for operators who act as the certified operator(s) in responsible charge (ORC).
- The revised regulation includes a delayed implementation period for existing facilities. If you are a certified operator in responsible charge (ORC) for a facility and if the classification will be changing, you will be expected to upgrade to the new level if you want to stay on as the ORC.

- **There are some changes coming relating to the certification entity – Update next month by Randy.**
- **The group is investigating whether there is an operating plan requirement in the regulation and will update next month.**
- Here is a link to more information on the revised policy: [https://colorado.gov/pacific/cdphe/wq-reg100-facility-classification](https://colorado.gov/pacific/cdphe/wq-reg100-facility-classification)
- Here is a fact sheet for the changes: [https://drive.google.com/file/d/1QQjf_p4hpxGlkuUyLz6GFhFLFs3t82v7/view](https://drive.google.com/file/d/1QQjf_p4hpxGlkuUyLz6GFhFLFs3t82v7/view)

**d. Renewable Fuel Standard**

- **Update provided by Randy Kenyon**
- Develop a Renewable Fuel Standard Specific to Colorado
- California, Washington, Oregon and 3 other states are examples of states that have an existing State Standard
- American Biogas Council is currently leading lobbying effort.
- RNG Working group from CDPHE
- Considering E-RINs as a fuel standard.
- Randy Kenyon will provide more information links in subsequent meetings.

**e. Perfluoroalkyl Substances (PFAS) Contamination**

- **Update provided by Kelly Merritt and John Kuosman**
• Colorado Springs Utilities (CSU) has fielded concerns from customers about drinking water, but the contamination has not affected Colorado Springs water.
• Water Education Colorado article was published about the issue; PFAS are being studied heavily. The issue will be a hot topic at the 2019 Water Week Fly-In.
• A Water Quality Forum Meeting is being held. It is currently at the EPA level, with the hopes of fast tracking the matter.

**Attached to this email is a briefing document prepared on this topic by NACWA and WEF related to this topic:**

f. **Lead and Copper Rule**
• **Update provided by Dan DeLaughter**
• Utilities were previously required to process 100 voluntary samples twice a year. That has been reduced to 50 samples once a year from residences built in certain timeframe.
• Denver water received decision from CDPHE requiring the use of orthophosphate as the optimum corrosion control technology (OCCT) for their system.
  o After decision – lawsuit filed (Denver Water, Aurora, Greenway Foundation and others involved)
  o Asked for the decision to be stayed
  o Two filings: one in district court, one with the WQCC.
  o Memorandum of Agreement signed between State and parties, stakeholder process begun
  o Drinking water technical subgroup continuing the piloting to determine pH and dosing control
  o Through pilot testing, it appears 2mg/L is looking promising (original requirement was 3mg/L dose)
  o Here is a link to the CDPHE Website on OCCT: [https://www.colorado.gov/pacific/cdphe/OCCT-Stakeholder-Information](https://www.colorado.gov/pacific/cdphe/OCCT-Stakeholder-Information)
  o Here is a link to a Water Education Colorado article on this issue: [https://www.watereducationcolorado.org/fresh-water-news/colorado-health-officials-utilities-hit-pause-again-on-high-stakes-lead-lawsuit/](https://www.watereducationcolorado.org/fresh-water-news/colorado-health-officials-utilities-hit-pause-again-on-high-stakes-lead-lawsuit/)

g. **Temperature Standard**
• **Update provided by Dan DeLaughter**
• Technical advisory committee studying this matter.
• Next meeting rescheduled for April 9 at 9:30-11AM. Attendance is closed.
• Reviewing temperature stream standards. Streams are classified by the ecological system present within the stream.
  o Cold Stream 1 and 2
  o Warm Stream 1 and 2
• Wastewater discharger can add heat load to stream – potential need for infrastructure to cool before discharge
• Thermal niche analyses are taking place to measure ecological tolerance
• Here is a link to the GEI presentation to the Colorado Wastewater Utility Council on activities of the TAC: [http://cwwuc.org/minutes/2017/12-13-17_Minutes.pdf](http://cwwuc.org/minutes/2017/12-13-17_Minutes.pdf)
h. Additional Issues?

- **EPA Report on Biosolids**: A report in November by the EPA’s Inspector General was published casting doubt on the safety of biosolids and recommending that the EPA change its official stance on biosolids. Wastewater facilities are contesting the new report as summarized in the attached link from treatment plant operator magazine:

- **10-Year Roadmap (CDPHE)**: Here is a link to the Roadmap website:
  [https://www.colorado.gov/pacific/cdphe/WQ-10-Year-Roadmap](https://www.colorado.gov/pacific/cdphe/WQ-10-Year-Roadmap)

- **EPA Contaminants**: *Kelly Merritt getting more information.*

- **Homelessness and Water Contamination**: Ordinance passed in Colorado Springs (*Fountain Creek*). Concerns with staff testing safety and contamination from human waste.

**UNFINISHED BUSINESS**

- **Key Issues Status and Progress Updates**:

  a. **Updates from all committee meetings**:

  - WEF National Government Affairs Committee Updates (Eichenberger, others?)
  - Colorado Wastewater Utility (Doerhoff, Kuosman, Others?)
  - Water Reuse Association of Colorado (Raatz, Jones, Others?)
  - Colorado Water Congress (??? – Discuss approach)
  - Colorado Municipal League (Kenyon, others?)
  - CDPHE Stakeholder Meetings (Akers, Kenyon, Raatz, others)
  - RMWEA Executive Team Meetings (Raatz, Davidson, Kenyon, Eichenberger, Kuosman, Others)
  - Special Districts Association (???)
  - Others?