SP CURE Board Meeting

Tuesday, February 15, 2022 – 9:00 am

Meeting Location:
Virtual Meeting

February Meeting Summary

High Level Take-Aways

- SP CURE dues invoices will be sent out in February.
- The Western Resource Advocates' prehearing proposal regarding a reassessment of use protected status for segments in Clear Creek and the South Platte will be out on June 1 and party status requests are due on June 15th.
- There is a long bill in the Colorado Legislature that would require sampling PFAS in biosolids. CMF will be scheduling a meeting of stakeholders to prepare for upcoming biosolids regulatory action.

Action Items

- BC to provide topics to Division for chlorophyll-*a* discussion at Roadmap meeting.
- Subgroup to develop draft WQF proposal for a chlorophyll workgroup. Members include Jim Dorsch, Jordan Parman, and a member from SPR that is TBD.
- SP CURE to contract with Chez Arms for website maintenance for one year at the basic level.

1. **Discussion and Approval of January Meeting Summary**

   Sherry Scaggiari made a motion to approve the January SP CURE Board Meeting Summary. Curt Bauers seconded the motion, which passed unanimously.

2. **SP CURE Membership and Dues**

   Last year we agreed that we would continue to hold steady on dues, partly to be sensitive about COVID. Our overall goal has been to collect enough funds to cover baseline expenses and have some remaining to build funds that could be used for projects or special efforts, like the website redesign. The group agreed to stay the same on dues for this year. Invoices will be sent out to members this month. The Executive Committee will consider whether there is a need to relook at dues for 2023 in their next meeting and will provide direction.

3. **Chlorophyll-*a* WQF Workgroup Proposal and Roadmap Topic/Questions**

Based on discussions with the Monitoring Committee at our last SP CURE meeting, we had agreed on some follow-up actions regarding chlorophyll-*a* for rivers and streams.

Topic at Water Quality Roadmap Workgroup Meeting – Brown and Caldwell requested that the Division add chlorophyll-a as a topic for the next Roadmap Workgroup meeting. The Division agreed to consider it and requested that we provide a list of topics or questions that we wanted to discuss. Erin Donelly sent out a request to SP CURE for such topics and questions. Attendees were asked to respond to that request.

Water Quality Forum (WQF) Workgroup Proposal – To develop a proposal for consideration of a workgroup, we need to have a list of topics or issues that we would address in workgroup meetings. The topics identified for the Roadmap meeting are applicable here as well. Items we discussed include:

- Appropriateness of a standard that is the same for warm vs cold water streams and does not consider elevation.
- Adoption of a standard that is based on the "ick factor" approach from Montana that Montana decided was not appropriate.
- Is this the right time to introduce this standard when we have not fully implemented Regulation 85? Why are we doing it right now, particularly since the state doesn't intend to really implement it at this time?
- What is the linkage between chlorophyll and nutrients? How will we write and implement a TMDL?
- There is no allowable exceedence frequency for a measure that is highly variable.
- Have they tried to understand the variability of subsamples across a transect? – the impact of one green rock.
- How do we address compounding factors? – temperature, shading, velocity, scouring, water transparency, depth, crowding, consumption by macroinvertebrates
- They are supposed to be reviewing standards on a regular basis and this has not been looked at since 2012. Needs a re-look.
- Issues with the sampling methodology itself regarding the effort and difficulty.

SP CURE believes that work is needed to address chlorophyll concerns and maybe could be addressed in a workshop format versus a workgroup if that is more amenable to the Division.

The following people will work together to develop a draft proposal: Jim Dorsch, Jordan Parman, Someone from SPR?? Sarah to ask Dan.

This group will put together a draft proposal and get input from the Board and Monitoring Committee. We will test it with the Division prior to submitting it to WQF.

4. **Use Protection Revisit – Commission granted WRA's ask to relook at the Commission's decision**

Western Resource Advocates (WRA), on behalf of about 26 parties, submitted a petition to the Commission entitled "FOR REVIEW OF REGULATION #38 ANTIDEGRADATION DESIGNATIONS FOR SOUTH PLATTE SEGMENT 15, MIDDLE SOUTH PLATTE SEGMENT 1A, AND CLEAR CREEK SEGMENT 15 ADOPTED BY THE COMMISSION ON AUGUST 20, 2020." The petition was granted and a hearing to review these decisions will

be held on September 12, 2022, which the Commission hoped would provide time for stakeholder engagement. The Proponent's Prehearing Statement will be due June 1 and party status requests are due June 15.

There are several concerns with this hearing, including both the substance of the request, which would reverse the decision to keep the listed segments as use protected, and the concept that a group that doesn't like an outcome can challenge it and reverse it outside of the normal triennial review process. In response to the request for a hearing, Metro Water Recovery has begun to look at new data and consider their options. Data are showing that, although there has been water quality improvement in phosphorus, we have not seen a change in species composition that would support a reviewable designation.

The draft hearing notice has been issued. The language currently in the draft basis and purpose statement came directly from the petitioner's proposal, which is a concern. The Water Quality Forum will be including this topic in a presentation format at the March meeting. We will include this topic on a future agenda to check in on the issue (possibly May) and determine if we would want to request party status or provide any input to the hearing.

5. **Discuss Project Updates**
    a. **Colorado Monitoring Framework** – Will be scheduling a PFAS meeting to develop an approach to the PFAS in biosolids regulations/discussions that are eminent.
    b. **CWQMC/CDSN –** The DSN is doing their annual data call for Regulation 85/nutrient data which must be uploaded by April 1.
    c. **BMW TMDL** – Focus continues on phosphorus-free fertilizers.
    d. **Monitoring Committee** – We will be scheduling another joint meeting to talk about partnerships and projects.
    e. **SP CURE Website Update** – The group considered the options for a maintenance contract for our new website. Sarah will confirm that the contract is for one year and that Chez Arms will be able to supply services, as needed, for an hourly rate of $95. If these assumptions are not correct, we will discuss the maintenance contract options again. The group was not certain the best path for the maintenance contract mainly because we don't have a firm understanding of our needs as we work with our new website. We do know that BC will be able to add content like minutes and agendas, but programing and major changes as well as any software updates or patches will need to be done by Chez. Jim Dorsch made a motion to contract with Chez Arms for the basic maintenance package for a year. Christine seconded the motion, which was approved unanimously.

6. **Budget Update**

Budget is on track and there are no unplanned expenses.

7. **Other Topics and Announcements**

<u>Draft PFAS Bill in state legislature</u> – Conservation Groups (Conservation Colorado is leading the charge) sponsored a draft long bill that, for the most part, is about removing PFAS from consumer products. This is something that we all would agree needs to happen in order to see

PFAS decrease in wastewater influent. However, there is a paragraph requiring testing of biosolids for PFAS (one sample) in the bill.

From our understanding, there is a bill in Maine that has a similar provision for biosolids. Maine started restricting land application of biosolids in 2018 in response to issues with dairy cows and elevated levels of PFAS in their milk. Colorado Water Congress and Barb Biggs have been engaged in discussions on the bill. How is this bill associated with the PFAS in biosolids effort that is coming up? It seems like this is getting ahead of the work that is to come. There are concerns that one sample doesn't tell the whole story and could be misleading.

8. Next Meeting Dates

March 15, 2022 – Virtual (begin Confluence at the Confluence planning, check in on PFAS legislation)
April 19, 2022 – Virtual
May 17, 2022 – Virtual (revisit Antideg issue)

SP CURE Board Meeting: February 15, 2022
Attendance Record

Present	Name	Organization
	Juliana Archuleta	Adams County
✓*	Sherry Scaggiari	Aurora Water
	Zachary Trabold	Aurora Water
✓*	Julie Tinetti	Centennial W&S
	Alan Polonsky	City and County of Denver
✓*	Jon Novick	City and County of Denver
		East Cherry Creek Valley W&S
✓*	Curt Bauers	FRICO
✓*	Jim Dorsch	Metro District
	Jordan Parman	Metro District
	Mark Koch	Molson/Coors
✓*	Mark Cubbon	South Adams County W&S
	Dan DeLaughter	South Platte Renew
	Eric Marler	Suncor Energy (U.S.A.)
	Ben Wise	South Platte Renew
	Caleb Owen	Thornton
	Shay Shih	Thornton
	Steve Materkowski	UDFCD
✓*	Christine Johnston	Xcel Energy
✓*	Sarah Reeves	Coordinator, Brown and Caldwell
	Beth Albrecht	Brown and Caldwell
	Erin Donnelly	Brown and Caldwell
	Jake Kunugi	Brown and Caldwell

*Joined virtually/by phone