SP CURE Monitoring Committee Meeting – Meeting Minutes

Thursday August 11, 2022 – 10:00 a.m.

Link: Join Microsoft Teams Meeting

Call-In: (888) 404-2493; Conference ID 774 845 259#

High Level Take-Aways

- PFAS, so hot right now! The group discussed ongoing PFAS regulatory actions at the state and federal level, and what that could mean for members, including the EPA's approval of updated Health Advisory Limits for select PFAS chemicals, and the Water Quality Control Division's phased approach to PFAS regulation of biosolids.
- SP CURE submitted a Responsive Prehearing Statement for the Regulation 38 special Rulemaking Hearing (to be held September 12, 2022), citing the need to use all available data and highlighting concerns with the 12-parameter test.
- The group brainstormed case studies that illustrate the benefit of SP CURE membership that will be used for an updated education and outreach white paper.

Action Items

- BC and Thornton to prep for round robin meeting in October
- Continue to evaluate arsenic loading in urban South Platte tributaries

1. **Introductions**
2. **Discuss/Approve June Meeting Minutes**

   Approved
3. **Water Quality Workgroup Updates**
   a. **Water Quality Forum Retreat (August 4th and 5th)**

      Proposed workgroups included the following: Municipal Separate Stormsewer Systems (MS4); 10-Year Roadmap; Permits Webinar; PFAS and Biosolids; Regulation 22; Permit Issues Forum; Regulation 21 Revisions; Protect Salt Creek by properly applying standards in permits. Proponents withdrew the Protect Salt Creek workgroup since it was not a statewide issue. The Permit Issues Forum may be approved, pending the hire of the new Division Permit section lead slated for October 2022. The remaining six workgroups were approved. The aluminum workgroup will also be continuing (which is not a Division-led workgroup).

Other topics of discussion at the Forum:

- EPA: environmental justice is their top priority
- Extended Denver Water Lead and Copper variance
- Nutrients and PFAS are always a top priority for the Division

b. 10-Year Roadmap – next meeting August 17th

No updates since last meeting (June 7th)

c. Colorado Monitoring Framework

CMF is focused on a number of PFAS issues. A recent CMF PFAS Task Force meeting addressed the new EPA Health Advisory limits that are projected to re-open Policy 20-1. The EPA approved new health advisory limits (HALs) for four PFAS chemicals in June 2022:

EPA May 2016		EPA June 2022	
Compound	**HAL (ppt)**	**Compound**	**HAL (ppt)**
PFOA	70	PFOA	0.004
PFOS		PFOS	0.02
		GenX	10
		PFBS	2,000

On June 15th, Colorado Dept of Public Health and Environment published press release in support of EPA's changes to the PFAS HALs. There is talk of convening workgroup for updates/ changes to Policy 20-1, but no formal action has been taken.

d. PFAS and Biosolids

July 19th meeting: The Division laid out their phased approach for regulating PFAS in biosolids. Certain facilities will be required to monitor for PFAS in 2023 depending on volume (30 dry tons/year) and type (beneficial use). Monitoring frequency varies from annually to monthly. Source control evaluations proposed if PFOS > 50 ug/kg. The Division did not seem concerned with lab turn-around times or analytical method issues (Method 1633 will soon be required for all effluent sampling). With the passage of the new HALs they believe labs will get up to speed with new analytical method.

The state is waiting for PFAS MCLs to be developed, which are expected end of 2022 (draft). Most facilities are sampling using Method 537.1 (surface water). Method 1633 is available now but will likely not be finalized until 2023. Labs are receiving a lot more samples and facilities are seeing turnaround times greater than 3 weeks.

Metro plans to initiate fish tissue sampling of PFAS this fall. They'll be using Eurofins for this analysis. They are leaning on Michigan Standard Operating Procedures.

Following the July 19th meeting, the Division asked stakeholders for feedback on the following five questions:

- The division has proposed the monitoring be required for generators of 30 DT biosolids or greater (unless designated, land applying their own, or generating their own class A). Do you agree with this scope or think it should be modified? If modified, how?
- The division has proposed the minimum monitoring frequencies identified in slide 19 of the July 19th presentation. Entities can obtain and submit additional samples. Are these frequencies appropriate or should they be modified? If modified, how?

- For 2023, the division proposes posting monitoring results online. Farmers and others using biosolids can search this information. Once Colorado data is obtained, the division will evaluate the need for, and trigger levels for, required notification in the future. Do you support this approach or do you propose changes?
- For 2023, the division has proposed using the Michigan program's trigger level of 50 µg/kg PFOS to require submittal of source identification and reduction information. Once Colorado data is obtained, the division will evaluate the need for, and any changes to, trigger levels for future requirements to provide information or required implementation of source reduction practices. Do you support this approach or do you propose changes?
- Do you have any other feedback about the initial approach of biosolids monitoring or any aspects of it, including but not limited to, testing methods and the timeline for implementation in calendar year 2023?

CMF submitted the following response after it became clear that meaningful answers could not be gathered in 8 working days:

In general, CMF agrees that the regulated community and the Division need to understand the levels of PFAS found in biosolids in Colorado and are supportive of the work that the Division is doing with this stakeholder group. However, with only 8 working days since the Division's presentation on its proposed Biosolids approach for PFAS, CMF members have not had enough time to review, evaluate, and consider the Division's proposal. We will be looking at the Division's proposal in more depth and will provide our feedback to the Division as soon as we can, prior to the August 25 meeting.

4. Upcoming Water Quality Control Commission Hearings

Regulation 38 special hearing to review stream designations for three urban South Platte segments: SP CURE submitted a Responsive Prehearing Statement on July 7th and applied for party status. The RPHS cites that the evaluation summarized in the PPHS did not use all available data and highlights issues with the 12-parameter test. The 12-parameter test does not reflect the existing regulatory environment (e.g. does not include parameters like arsenic, temperature, or nutrients). The group noted that the updated PPHS has a period of record of 2017-2021, but that the same sites were used as the initial analysis and did not pull from the Data Sharing Network. Denver also has party status and will be testifying at the hearing. Thornton will be in support of further protections for the South Platte. Caleb added that he attended first of three public meeting addressing Regulation 38 (a new process for the Commission). It was held at the Adams County Municipal Building, and time limits were not placed on speakers which made for a long meeting.

Reg 85/Reg 31: Rulemaking Hearing to adopt chlorophyll-a in all streams and nutrient standards for lakes/reservoirs is scheduled for November 2022. Party status requests are due to the Commission on August 17, 2022.

5. Discuss Next Steps for the Arsenic Analyses

Tabled for next meeting.

6. Brainstorm some Case Studies that Illustrate the Benefit of Membership (for education and outreach white paper)

The group discussed some potential benefits of using a common dataset:

- Round robin examples
- Samples collected the same data and doing long-term trend analysis with multiple sites
- Temporal trends that show things like increasing road salts, chloride, and EC
- A useful tool to evaluate how water quality travels, and how it changes as it moves through the metro area
    - Nutrients: nitrogen, total phosphorus
- Testimonial from Bill Battaglin (USGS): he leaned a lot on DSN
    - Background for other research happening in the area
- CU Denver students – they use the SP CURE frequently

7. Check-Ins

a. **Colorado Data Sharing Network** – Jordan Parman

They have received some small grants from the Division for education and outreach on how to use the database (input, etc). The DSN is processing Colorado River basin data right now.

b. **Water Connection/Greenway Foundation Updates** – Jon Novick

Jon provided an update on the US Army Corps of Engineers (USACE) project: the first project is the South Platte River and Tributaries Project (starts at 6th Ave and heads north). This will be an ecosystem restoration project that includes considerations for recreation and flood control. Denver would like to take charge for construction management from USACE through a Performance Partnership. They think they could deliver more quickly. Denver is currently estimating completion in six years, but this may prove to be an ambitious timeline. There's also restoration work planned for Weir Gulch around 8th Ave. that includes relocating houses out of the floodplain. The first project will be associated with the River Mile (near Eliches) and will be completed by the same company developing this area. The River Mile is nearing 100% design. The City has regular workgroup meetings to discuss success criteria and adaptive management. Preliminary plans are expected in 2023. Ashlee Grace is the City's project manager.

1135 CAP: continuing authority project. This second, smaller ecosystem restoration project on the south side of Denver will focus on bank restoration and instream stabilization work. This project will be managed by the USACE. They are currently prepping for design.

8. New Business

National Monitoring Conference will occur in the Spring

9. Next Meeting Date

October 13, 2022 – Round Robin at Thornton

Meeting Attendees		
Present	Name	Organization
	Juliana Archuleta	Adams County
	Zach Trabold	City of Aurora

Meeting Attendees		
	Nick Tino	Centennial Water and Sanitation District
X	Jon Novick	Denver Environmental Health
	Al Polonsky	Denver Environmental Health
	Curt Bauers	FRICO
X	Jim Dorsch	Metro District
X	Jordan Parman	Metro District
	Shay Shih	City of Thornton
X	Caleb Owen	City of Thornton
	Christine Johnston	Xcel Energy
X	Eric Marler	Suncor Energy
	Ben Wise	South Platte Water Renewal Partners
X	Erin Donnelly	Coordinator - Brown and Caldwell

Minutes prepared by Erin Donnelly