



**SP CURE Board Meeting**  
**Tuesday, April 18, 2023 – 9:00 am**

Meeting Location:  
Virtual Meeting

## Meeting Summary

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### High Level Take-Aways

- Alex provided an overview of the lakes/nutrients regulation 31/85 rulemaking, and meeting attendees discussed how the hearing went.
- The Board reviewed the white paper and provided feedback.
- SP CURE would like to support the feasibility workgroup with scoping. The workgroup kicks off in July, and SP CURE would do this in winter 2023/spring 2024.

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### Action Items

- Reach out to Barbara Biggs regarding how to recommend nominations for the Commission.
- Beth/Erin to update SP CURE White Paper per Board comments.
- Dan to request an update from Erin Sandos on BMW for the next Board meeting.
- Beth to follow up on how to sign up/participate in the permits webinar.

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### 1. Discussion and Approval of March Meeting Summary

Jim Dorsch made a motion to approve the March meeting minutes. Julie Tinetti seconded the motion, which passed unanimously.

### 2. Regulation 31 – Debrief on Hearing

Alex provided an overview of the lakes/nutrients regulation 31/85 rulemaking. The consolidated proposal proposed to implement chlorophyll-a and TP and TN standards for lakes and nutrients now; however, it will not go into effect until January 2028.

Day 1: There were a lot of questions from the Water Quality Control Commission (Commission) regarding the n=1 sampling size for their analysis, questions about how the technical advisory committee was run, and stakeholder engagement. The Wastewater Utility Council (WWUC) and Northern Water presented alternate proposals. There were a lot of questions regarding the pursuit of a site-specific standard, both procedural and cost questions.

Day 2: Party testimony began where 42 entities presented. The Commission was still confused why it mattered whether there was a standard in place if folks were just going to pursue a site-specific standard. One party focused on the environmental justice issue. Another party was interested in nutrient trading.

Day 3: There were additional questions regarding n=1 and whether standards were too protective; additional questions on the methodology and the secchi method and ripple effects; and questions about the 303d hearing process and how these regs would impact that. During deliberation there was a lot of additional discussion regarding n=1. In the end, the Commission

adopted the Division's consolidated proposal with a few caveats surrounding n=1, environmental justice considerations, and cost.

Jim commented the hearing went exactly as expected. It was clear that the Commission doesn't understand water quality. We should consider putting nominations forward to the Commission – reach out to Barbara Biggs to determine how to do this. Dan added that Jennifer Arndt is very knowledgeable, but she had to recuse herself from this hearing. Julie said that the WWUC is working on the fee bill and moving to put some guardrails around who can serve on the Commission (e.g., at least 2 members need to be part of the regulated community).

Julie commented the Commission seemed to be considering other options because they were asking so many questions, but they didn't budge from the Division's recommendations.

What can SP CURE do to improve this process? Brian said that the regulated community is doing good work. At some point water quantity is going to have a huge sway, especially if utilities need to implement reverse osmosis which will result in water loss. Regarding alternate proposals, the Commission didn't understand it technically, and they just saw it as more work. The Division dismissed these proposals with broad strokes.

Perhaps we need to start testing the waters with site specific standards. Jim mentioned that the Division doesn't want people pursue site-specific standards either.

Julie said that Nicole Rowan is concerned with the potential that WWUC will go to the legislature with letters disapproving the nutrients standards.

Dan added that water quality concerns associated with reverse osmosis such as chloride, sulfate, and TDS will become increasingly stressed in the urban South Platte. It could be worth exploring existing assimilative capacity.

### **3. SP CURE White Paper – Board Review**

Meeting participants provided feedback on the draft White Paper. The paper is 2-pages and will be used at the upcoming South Platte River cleanup event. General thoughts from the group include:

- Less text heavy on the first page
- Strike references to federal work
- Next steps will be to update the map and create a professional printing layout

### **4. Partnership opportunities – Discuss approach to WQF Retreat**

Meeting attendees discussed SP CURE's approach to presenting to the WQF.

Presentation at a 10-Year roadmap: for the August meeting this could be a potentially tight turnaround if we decide to do a new technical analysis. The monitoring committee has a full workload with pursuing the arsenic analysis and round robin, and they are busy at work.

Presentation at the Water Quality Forum: would it make more sense to present at the retreat? Dan mentioned it could make sense to do a scoping for the feasibility workgroup (other water quality parameters such as chloride, sulfate, and potentially TDS). The workgroup will be new this July and may last for multiple years. The monitoring committee has limited capacity, so we would aim for participating starting in fall 2023 and presenting scoping results in spring 2024 (if that fits with the workgroup schedule).

- Participation: initiates fall 2023

- Presentation: aim for spring 2024
- Topic: feasibility scoping
- Speakers: board member & monitoring committee member (specific persons TBD)

## 5. Confluence at the Confluence – Update on planning/next steps

SP CURE will meet with the watershed groups (BMW, Cherry Creek Watershed Authority, Bear Creek, and Big Dry Creek) to determine: 1) are we going to hold a joint Confluence at the Confluence and 2) what is the topic.

## 6. Discuss Project Updates

- Colorado Monitoring Framework** – The all-member meeting went well. The main topics of the meeting were PFAS and AF CURE nutrient white paper. CMF is working on a PFAS Communications Plan for use by membership. And CMF is working on dues restructure to address upcoming PFAS work and future spending.
- CWQMC/CDSN** – The first meeting of 2023 is scheduled for April 19<sup>th</sup>.
- BMW Watershed** – Dan to request an update from Erin Sandos for the next Board meeting.
- Monitoring Committee** – the Monitoring Committee has completed the White Paper for review.

## 7. Budget Update

The budget is up to date.

## 8. Other Topics and Announcements

- South Platte River Clean Up – Volunteers for SP CURE booth on April 22<sup>nd</sup>?
- The division is starting up their permits webinar series again on Thursday at 11am: [Water Quality Control Division Quarterly Webinars | Department of Public Health & Environment \(colorado.gov\)](#). Dan mentioned he did not receive an email about this. Beth will follow up with Alex on how to participate/sign up and will share this with the board.

## 9. Next Meeting Dates

May 18, 2023 – Virtual  
 June 20, 2023 – Virtual  
 August 15, 2023 – Virtual

**SP CURE Board Meeting: April 18, 2023**  
**Attendance Record**

<b>Present</b>	<b>Name</b>	<b>Organization</b>
	Juliana Archuleta	Adams County
	Sherry Scaggiari	Aurora Water
	Zachary Trabold	Aurora Water
X*	Julie Tinetti	Centennial W&S
	Alan Polonsky	City and County of Denver
	Jon Novick	City and County of Denver
	Michael Probasco	East Cherry Creek Valley W&S
	Sara Brewer	East Cherry Creek Valley W&S
X*	Curt Bauers	FRICO
X*	Brian Tracy	City of Golden
X*	Jim Dorsch	Metro Water Recovery
	Jordan Parman	Metro Water Recovery
	Mark Koch	Molson/Coors
	Mark Cubbon	South Adams County W&S
	Gary Smith	South Adams County W&S
X*	Dan DeLaughter	South Platte Renew
	Nicole Laurita	South Platte Renew
	Eric Marler	Suncor Energy (U.S.A.)
	Caleb Owen	Thornton
	Shay Shih	Thornton
	Steve Materkowski	Mile High Flood District
	Christine Johnston	Xcel Energy
	Sarah Reeves	Coordinator, Brown and Caldwell
X*	Beth Albrecht	Brown and Caldwell
X*	Erin Donnelly	Brown and Caldwell
X*	Alex Ratcliff	Brown and Caldwell

\*Joined virtually/by phone