



**SP CURE Board Meeting**  
**Tuesday, May 16, 2023 – 9:00 am**

Meeting Location:  
Virtual Meeting

## Meeting Summary

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### High Level Take-Aways

- The Division issued a permit modification for Molson Coors due to 3<sup>rd</sup> party request.
- Meeting attendees discussed partnership opportunities, including the Water Quality Forum Retreat (feasibility workgroup) and upcoming Roadmap Meeting.
- SP CURE prioritized near-term actions and brainstormed topics for future meetings.

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### Action Items

- Erin to share Molson Coors revised permit fact sheet. Mark to share Molson Coors comments.
- Julie to follow up with Wastewater Utility Council about permit concerns for Water Quality Forum.
- Sarah to check if feasibility workgroup will be a TAC or workgroup with open participation.
- Beth to prepare strategic planning summary for June meeting.
- Dan to share details about South Platte Renew's water festival.

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

Brian Tracy made a motion to approve the April meeting minutes. Julie Tinetti seconded the motion, which passed unanimously.

### 2. Permit modification - Discuss recent Division initiated modification requested by a 3<sup>rd</sup> party

The April public notice included a permit modification for Molson Coors. Trout Unlimited (3<sup>rd</sup> Party) requested that the Division conduct a permit modification to reinstate antidegradation evaluation (change designation status of Segment 15 from use-protected to reviewable). The Division implemented the change, and Molson Coors did not have any advance notice. Erin will share the fact sheet via email.

SP CURE members have not seen this before, but they think it can happen again now that the doors are open. When a request for permit modification is made, the Division is compelled to respond. For instance, when South Platte Renew submitted a request for a modification to their permit, the Division had 180 days to respond. The Division has the authority to make a permit modification when they believe it is warranted. The change in designation status was reason enough to do so. Regulation 61 describes the process.

Members voiced concerns:

- The Division always says they are understaffed and have a significant permit backlog and yet they agreed to take on a 3<sup>rd</sup> party request for permit modification.

- Could 3<sup>rd</sup> parties start requesting permit modifications based on data they have collected that would suggest a change is warranted?
- Could 3<sup>rd</sup> parties come forward with a request for permit modification based on the narrative standard?

Molson Coors submitted comments to the Division, including some corrections to analyses. They have not heard back from the Division. Dan asked if they provided compliance schedules. Molson Coors said if they have a chloride limit, they will need 15 years to comply. The issue of compliance schedules is a thematic problem. When Molson Coors makes progress, shows this, and asks for an extension, the request is denied. Molson Coors is not seeing this in other states – only in Colorado. Meeting participants agreed that they have had issues with tight compliance schedules with little explanation.

Molson Coors plans to be aggressive and believes they should follow the Administrative Procedures Act, arguing that the Division cannot change the date when the stream became reviewable – which was November 2022. Mark will share Molson Coors' comments with the Board.

One other issue that has come up through this process is the Division's resistance to share data used for analysis. It is helpful to see the data used in antidegradation evaluations in this case. In 2009, they did not have enough data to do an antidegradation calculation.

The group discussed the concern that the South Platte could be next regarding a 3<sup>rd</sup> party request to modify permits to meet the new reviewable designation. Metro has not heard anything at this point.

The group was concerned about the lack of notification to the permit holder. Is this an appropriate topic at the Water Quality Forum? We should encourage good behavior. It's a great process to involve stakeholders, but notifying the permit holder prior to publishing allows them time to prepare and allocate resources. Typically, the Division notifies permit holders when they are working on permits and request data from the permit holder.

Should SP CURE bring this up, or someone else? Perhaps Wastewater Utility Council?

Water Quality Forum Retreat does not have an agenda item for issues/concerns. Perhaps the Wastewater Utility Council could bring this up during the permits webinar discussion or rationales. This is why we want the permits issues forum. Julie will follow up with Wastewater Utility Council.

### **3. Partnership Opportunities – Update on current initiatives and next steps**

#### **Water Quality Forum Retreat**

Dan, Julie, Erin, and Jim will attend the Water Quality Forum Retreat.

Water Quality Feasibility workgroup – Sarah asked if anyone heard from Nathan about the scoping for that workgroup. Dan has heard general statements that the workgroup will kick off at the retreat. We anticipate hearing more detail on the group scoping.

WQF will send out rationales soon for review and attendees can provide feedback at the retreat. The proponent will talk about the rationale and answer questions. SP CURE should raise their hand to be part of the scope for the feasibility of nutrient standards workgroup. What is going to happen? How do we want meetings run? What will be the outcome? Is this is a

TAC or workgroup with open participation? So far, we are under the impression that it will be a workgroup. Sarah will check on this.

SP CURE members will ask:

- Is the workgroup open?
- Ask for SP CURE to participate.

Julie requested that we have a discussion on the Nutrient TAC. Do they have the expertise to make limnology decisions? Yes, Steve Lundt was on the TAC. Concerns include Division's consultant was only conversing with WQCC and didn't include other TAC members (communication issue). The nutrient numbers were provided late, and those who were not in TAC did their own analyses. This did not go over well with the Division.

Update on rationales - Aluminum workgroup is not asking to be renewed.

## **Roadmap Meeting**

We are still pursuing the opportunity to present at an upcoming Roadmap meeting. The monitoring committee is very busy right now, so August is too soon. Aimee offered to have us present at the November Roadmap meeting. We need to send her the presentation title one month prior. Beth and Aimee will check in this fall. Beth to check with Monitoring Committee on their availability.

## **South Platte River Cleanup**

Dan provided update on the South Platte River Cleanup, which was rescheduled due to weather. It was well attended. There was a line at the Littleton location. There were 100-200 people at each location to do river cleanup. The booths were hard to have people at them, we will need more volunteers if we do a booth next year. Next year, SP CURE has the option to do a cleanup team and/or booth.

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

Planning kickoff for first week of June. Doodle poll is being sent today.

### **5. SP CURE Planning – Discuss near-term priorities**

Meeting participants talked about near-term priorities and topics for future meetings.

Highest priority for this summer:

- COC Planning
- Regular meetings/coordination
- Round Robin

Fall/winter priorities:

- WQF Retreat Scoping
- Roadmap Meeting
- White paper map update

Topics for upcoming meetings

- Strategic planning scorecard at June meeting
- One Water / recycled water
- Equity, diversity, and inclusion & environmental justice - what are we doing for this?
  - o Metro listed few hiring practices that their HR and PR are doing.
  - o Brian commented that metro South Platte has different water quality than mountain streams. We have spent our career working on water issues, and we

care about water quality. But we also need to consider rates and affordability to meet our water quality expectations.

- The waterways are used by the public, and they have expectations about how the water quality should be. Are we underserving them?
- We could have a speaker on this at the December holiday party. Perhaps from another state? 3<sup>rd</sup> party economist? EPA?
- This also feeds into feasibility discussion with nutrients. Can we afford it?
- If we do advance treatment like RO, what happens with the waste stream? What are the environmental consequences?
- Historically we built industry and pollutants in low-income communities. Long-term impact of this.
- Utility partner with disadvantaged team at CDPHE?

## 6. Discuss Project Updates

- a. **Colorado Monitoring Framework** – Board is reprioritizing work for this contract year and is discussing changes in membership dues. The proposed focus for the remaining of this contract year is PFAS.
- b. **CWQMC/CDSN** – No updates.
- c. **BMW Watershed** – BMW meeting is next week. Watershed plan is being updated to align with implementation plan update, and there are initial discussions if they want to pursue site specific standards for nutrients. City and County of Denver hired a consultant to quantify their impact to the water quality. And they are focusing on collaborating with other watershed groups.
- d. **Monitoring Committee** – The next committee meeting is on June 8th, and a guest from the USGS join the meeting.

## 7. Budget Update

The budget is up to date.

## 8. Other Topics and Announcements

Metro hired Bret Icenogle. He starts at the end of the month, and he will be the Division head for pre-treatment.

South Platte Renew has a water festival planned for June 7<sup>th</sup>. It will include tours, booths, food trucks and will be family friendly. Dan will share details.

## 9. Next Meeting Dates

June 20, 2023 – Virtual  
July 18, 2023 - Virtual  
August 15, 2023 – Virtual

**SP CURE Board Meeting: May 16, 2023**  
**Attendance Record**

<b>Present</b>	<b>Name</b>	<b>Organization</b>
	Juliana Archuleta	Adams County
X*	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
X*	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
X*	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
X*	Eric Marler	Suncor Energy (U.S.A.)
X*	Caleb Owen	Thornton
	Shay Shih	Thornton
	Steve Materkowski	Mile High Flood District
X*	Christine Johnston	Xcel Energy
X*	Sarah Reeves	Coordinator, Brown and Caldwell
X*	Beth Albrecht	Brown and Caldwell
X*	Erin Donnelly	Brown and Caldwell

\*Joined virtually/by phone