

MINUTES
NFRWQPA
December 8, 2011

1. Roll Call

The meeting was called to order by Eric Doering at Northern Colorado Water Conservancy District. Roll was called and the following members were in attendance.

Merle Maass – East I-25 S.D.	Larry Wyeno - Longmont
Jon Mays – Erie	Amy Woodis – Metro Wastewater Rec. Dist.
James Duell – Estes Park S.D.	Judy Billica - NCWCD
Ray Kemp – Ft. Collins	David Brand - Platteville
Thom Vinson – Ft. Lupton	John Holdren - Severance
Dennis Schump – Greeley	Eric Doering – St. Vrain S.D.
John Burgeson - Johnstown	Chris Bieker – Upper Thompson S.D.
Thomas Satchell - Lochbuie	Doug Rademacher – Weld County
	Mark Thomas – Weld County

Also present were Connie O’Neill, Manager for NFRWQPA; and Matt Benak, SEH Inc.

2. Approval of Agenda

Mr. Rademacher made a motion to approve the agenda as presented. Mr. Duell seconded the motion and it was approved.

3. Minutes

Minutes from the October 27, 2011 meeting were considered. Mr. Mays made a motion to approve the minutes. Mr. Holdren seconded the motion and they were approved.

4. Financial Report

Financial report for October was presented for review and consideration. Ms. O’Neill stated that the meals and lodging were for the WEFTEC conference she attended. Also, there are extra printing costs included for the 208 Plan. Ms. O’Neill said that the Association is right on target for the 2011 budget. Mr. Rademacher made a motion to approve the October financial report. Mr. Duell seconded the motion and it was approved.

5. Decision Item: Utility Plan, Estes Park Sanitation District

Ms. O’Neill explained that the Estes Park Sanitation District has submitted a Utility Plan for review and consideration. The Utility Plan Review Committee evaluated the plan and has met with representatives from the District. Mr. Duell and Mr. Burgeson were present as the representatives for Estes Park Sanitation District. Mr. Duell stated that they are looking at making improvements to the headworks to address grit removal. They also have metals limitations and will incorporate nutrient treatment as needed. Ms. O’Neill explained that the Utility Plan Review Committee identified some issues that needed to be resolved. These were not substantial and all concerns were addressed. Mr. Mays made a motion to approve the Utility Plan for Estes Park Sanitation District. Mr. Rademacher seconded the motion and it was approved.

6. Review Session: Plan Amendment, City of Evans

Ms. O’Neill explained that the City of Evans has proposed changes to their 208 Wastewater Utility Service Area (WUSA). As per the Plan Amendment Process, the proposal has been posted for public review during a 60 day comment period. In addition, letters were sent to Weld County and the Town of Milliken asking for their review and comment. Ms. O’Neill stated that the requested change is consistent with the Utility Plan approved in July 2011. During the review process of the Utility Plan there were discussions with Milliken regarding the WUSA boundaries and Milliken did agree to this change. The only comment received was from Weld County indicating they had no concerns. Seeing no other concerns, Ms. O’Neill indicated that the proposal would be scheduled for consideration at a public hearing during the January 26th meeting.

7. **Decision Item: Nutrient Standards**

Ms. O'Neill provided a handout that summarized key points associated with the proposed nutrient regulations. She explained that the notice for the Rulemaking Hearing to determine nutrient regulations has been posted and approved by the Water Quality Control Commission (WQCC). The notice included proposals from the Division and from the Conversation Groups. She then reviewed the hearing schedule. This included a deadline for party status in December and Responsive Prehearing Statements in January. The hearing will then take place in March.

Ms. O'Neill then summarized the two proposals from the Division which included revisions to Regulation #31 and the new Control Regulation #85. She then asked for comments or concerns from the members regarding the Division's proposals. She then summarized the Conservation Group's proposal for Regulation 331 and #85. She then summarized the four general issues that the Colorado Nutrient Coalition (CNC) has with the proposals. These include:

- Disagreement with the need for total nitrogen regulations.
- Concerns with the science and statistical analysis used to develop the Regulation #31 values.
- Disagreement with the need to adopt a direct use water supply sub-classification.
- Disagreement with the attached algae limits established for recreational use.

She also outlined two additional concerns discussed in the handout which included:

- The definition of "significant nutrient discharges" in Regulation #31.
- Inclusion of MDLs in Regulation #85 (previously noted by Ft. Collins).

Ms. O'Neill suggested pursuing these two issues in Responsive Prehearing Statements. She also stated that that the membership would need to determine whether we would support the CNC issues as well.

Mr. Rademacher questioned who the Conservation Groups included. Ms. Woodis stated that she thought it included the Colorado Environmental Coalition and Trout Unlimited. Mr. Doering asked whether the CNC would address our issues and Ms. O'Neill felt they would. Mr. Thomas added that he would support the MDL issue. Mr. Rademacher questioned the amount of financial support that would be needed. Ms. O'Neill indicated that the CNC has a conference call scheduled for next week and that her understanding is that all previous contributions have been spent so additional funds will be necessary if additional work is authorized. Mr. Rademacher then questioned the stability of the CNC and Ms. O'Neill pointed out that three NFRWQPA members have dropped out of the CNC.

Ms. Woodis then provided some information on a smaller group that has been meeting to discuss the direct use water supply issues. There has been discussion about moving this language from Regulation #31 to #85. In addition, she added that the Division may be asking for some feedback on two additional alternatives that they will be providing in their Proponents Prehearing Statements. The first is the possibility of a 10-year delay for Regulation #85 requirements for facilities smaller than 2 MGD. The second would be to have Regulation #85 only apply to certain geographical regions. She recommended that NFRWQPA provide feedback on these alternatives. She also provided a handout from the Division as to why nitrogen reductions are important. She also voiced a concern that if nitrogen limits are not included, the Conservation Groups may oppose the proposal.

Ms. O'Neill suggested that with this new information the membership may want to postpone a decision on their positions until after they have reviewed the Division's Prehearing Statements. There was discussion about whether EPA would support these types of alternatives. There was then discussion about an additional meeting of the NFRWQPA to discuss this information. Mr. Doering suggested scheduling an additional meeting to further discuss the information and determine the NFRWQPA position. It was determined that an additional meeting will be held at 3:00 p.m. on January 5th. There was agreement among the members that NFRWQPA should request party status for the hearing.

8. Decision Item: Nomination Committee for 2012 Officers

Ms. O'Neill explained that a committee for the purpose of nominating candidates for the 2012 Officer positions will need to be appointed. The nominating Committee shall contact the members soliciting recommendations for the Office's and shall make a report to the Association at the January meeting. All current Officers have agreed to run again next year. Mr. Wyeno and Mr. Brand have served in the past. Mr. Brand has agreed to serve again. Ms. O'Neill will contact Mr. Wyeno and ask him to serve again.

9. Decision Item: January Meeting Location

Ms. O'Neill stated that NCWCD meeting room is not available for the January 26, 2012 meeting. An alternate meeting location will need to be selected. Mr. Doering offered the meeting room at St. Vrain Sanitation District. Mr. Rademacher will also check the South Weld County Facility. It was determined that the meeting would be held at the Southwest Weld County Building with St. Vrain Sanitation District as the backup.

10. Other Business:

a. Water Quality Control Commission

Ms. O'Neill stated that at the November meeting the WQCC unanimously approved the Associations 2011 Update to the 208 Plan. The Plan has now been sent to the Governor's office for certification and then will be submitted to EPA. Ms. O'Neill stated that at the December meeting the Commission will hold a Rule Making hearing to consider changes to Regulation #93 which is the 303(d) list and M&E list. Ms. O'Neill explained that at the September NFRWQPA meeting she provided an attachment that listed the segments in our area that have proposed changes (additions or deletions) on the list. At that time there were no specific concerns with the list and we determined that mailing list status for the hearing would be sufficient. Ms. O'Neill explained that responsive and rebuttal statements have now been submitted. Many of the comments received statewide dealt with aquatic life listings since the Division is using the new policy.

b. Water Quality Forum and Workgroups

Water Quality Forum: Ms. O'Neill explained that the last meeting was on November 21st and was the same day as the Executive meeting so she was unable to attend.

Policy 96-1 Workgroup: Ms. O'Neill explained that the subcommittees are still meeting and working on draft language.

ISDS Workgroup: Ms. O'Neill stated that revised draft language was sent out last week and she does not anticipate any concerns for NFRWQPA.

Permits Workgroup: Ms. O'Neill stated that the group met on Nov.8th and Dec.1st. Ms. O'Neill was unable to attend the December 1st meeting but at the November meeting they reviewed and updated the issues list. They also discussed discharger specific variances and will try to get started on collecting information that will be needed for a workgroup process.

Reg 84 Workgroup: Ms. O'Neill stated that the meeting was to be held today. Discussion was mostly regarding the new uses matrix.

c. Pesticide Permit:

Ms. O'Neill explained that the EPA released the final permit right before the deadline and the State then issued their own four days later which was modeled after the EPA permit. The following are the main differences in the States permit from the EPA permit:

- No application requirement.
- No termination form.
- No annual report requirement.
- Do have to submit compliance certification which is due six months before the two year permit expires.

11. Adjourn

There being no further business the meeting was adjourned.