



COLORADO

Water Quality Control Commission

Department of Public Health & Environment

SUMMARY OF PROCEEDINGS/MOTIONS

May 9, 2016

The Colorado Water Quality Control Commission regular meeting was called to order by Commissioner Evans at 9:00 a.m., Monday, May 9, 2016, in the Florence Sabin Conference Room, 4300 Cherry Creek Drive South, Building A, Denver, Colorado 80246.

COMMISSION MEMBERS PRESENT:

David Baumgarten, Barbara Biggs, Lauren Evans, Mary Fabisiak, Rick Hum, Jon Slutsky and Chuck Wanner.

COMMISSION MEMBERS ABSENT:

STAFF PRESENT:

Trisha Oeth, Administrator; Patrick Pfaltzgraff, Division Director; Jerry Goad, First Assistant Attorney General; Nancy Horan, Operations Manager for the commission.

APPROVAL OF AGENDA:

The agenda was approved as published with a note that the Administrator's Item regarding final action on the Grand Lake clarity standard will be taken up after the Regulation No. 84 triennial review informational hearing.

INFORMATIONAL BRIEFING:

Karen Hamilton and Sarah Bahrman from EPA provided an informational briefing regarding reorganization of Region 8's water programs, regional and national clean water and drinking water priorities, water quality standards regulatory updates, climate change and resilience, protecting wetlands and urban waters, lead and copper rule, PFCs, harmful algal blooms, and the Big Thompson fish kill, and shared information regarding drinking water maps available to the public.

INFORMATIONAL HEARING:

The commission conducted an informational hearing for triennial review of the Reclaimed Water Control Regulation, Regulation #84 (5 CCR 1002-84). Written comments were received from the division, Colorado State University, LiveWell Colorado, Colorado Health Foundation, Rocky Mountain Farmers Union, Colorado Ag Water Alliance, MWH Global, Lauren Duncan, Healthier Colorado, Gates Family Foundation, Denver Water, WaterReuse Colorado, CSU Extension, Denver Urban Gardens, Denver Public Schools, Boulder County Public Health, St Anthony North Health Campus, and Western Resource Advocates. Late written comments were submitted by Colorado Spring Utilities, the Heritage Fruit Guild, and the Sierra Club. Oral comments were received from the division, Denver Water, Denver Urban Gardens, and interested members of the public. Following the close of the hearing, it was agreed that a rulemaking hearing should be held to consider the issues identified but that the timing is uncertain due to resource constraints. The division will provide an update to the commission in November 2016 once there is a better sense of the division's resources and ability to participate in a workgroup process and rulemaking hearing.

INFORMATIONAL BRIEFING:

Peter Gintautus and Greg Deranleau from the Colorado Oil and Gas Conservation Commission briefed the commission regarding their TBA Report.

INFORMATIONAL BRIEFING:

Stephanie Piko, John McCarty and Katie Fendel, on behalf of the Cherry Creek Basin Water Quality Authority, provided an informational briefing regarding the Authority's 2015 annual report to the Water Quality Control Commission.

ADMINISTRATOR'S ITEMS:

1. Commissioner Wanner moved for approval of the April 11, 2016 Summary of Proceedings/Motions as published. Commissioner Hum seconded the motion. The motion carried unanimously.¹
2. Commissioner Baumgarten moved that the commission go into Executive Session for the purpose of receiving legal advice regarding a letter to the commission from EPA dated April 25, 2016 regarding the Grand Lake clarity standard. Commissioner Slutsky seconded the motion. The motion carried unanimously.

¹ Commissioner Evans was not present for the vote on Administrator's Item 1 or Item 3.

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Commissioner Hum moved that the Commission come out of Executive Session. Commissioner Slutsky seconded the motion. The motion carried unanimously. The commission announced that it discussed legal issues raised by EPA's letter. The commission notified the parties that it was not going to be accepting EPA's letter into the record, and that comments from other parties on that letter would be received after the commission takes final action.

Commissioner Hum moved to reopen the record from the April 11, 2016 rulemaking regarding the Grand Lake clarity standard in Regulation #33, for the limited purpose of accepting into the record the draft final action documents and the comments received from the Proponents, Bureau of Reclamation, and the Western Area Power Administration. Commissioner Wanner seconded the motion. The motion carried unanimously. The record was closed again.

Following discussion, Commissioner Hum moved for final approval of the proposed revisions to Regulation #33, along with the accompanying Statement of Basis, Statutory Authority and Purpose in accordance with the clean version provided today with the two modifications noted. Commissioner Wanner seconded the motion. The motion carried unanimously.

Following final action, the Proponents provided comments regarding EPA's letter. The commission directed its staff to prepare a response to EPA.

3. Commissioner Slutsky moved for final approval of the proposed revisions to Regulations #31 and #41, along with accompanying Statements of Basis, Statutory Authority and Purpose in accordance with the final action documents provided in commission packets. Commissioner Wanner seconded the motion. The motion carried unanimously.

COMMISSIONER ITEMS:

1. Commissioner Hum provided a report about his attendance at the Arkansas River Basin Forum.

DIVISION DIRECTOR'S REPORT:

1. Patrick Pfaltzgraff provided an update regarding PFCs.
2. Patrick also provided an update regarding lead in drinking water.
3. Patrick noted that the appeal period for Northglenn's design review has passed and no appeal was filed.
4. Patrick provided a legislative update.

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ATTORNEY GENERAL'S REPORT:

1. There was no separate report from the First Assistant Attorney General at this meeting.

WORK SESSION:

Nancy Horan introduced the commission to Adobe Acrobat Reader, highlighting key features of the program.

Approved this 13th day of June, 2016.

Water Quality Control Commission

Trisha Oeth, Administrator