



COLORADO

Water Quality
Control Commission

Department of Public Health & Environment

SUMMARY OF PROCEEDINGS/MOTIONS

March 12, 2018

Prior to the regular meeting, the Colorado Water Quality Control Commission met informally with the Watershed Section of the Water Quality Control Division.

The Colorado Water Quality Control Commission regular meeting was called to order by Commissioner Baumgarten at 9:00 a.m., Monday, March 12, 2018, in the Florence Sabin Conference Room, 4300 Cherry Creek Drive South, Building A, Denver, Colorado 80246.

COMMISSION MEMBERS PRESENT:

David Baumgarten, Barbara Biggs, Jane Clary, Mary Fabisiak, Mike Gooseff, Kevin Greer, Rick Hum, Fred Menzer and Jon Slutsky.

COMMISSION MEMBERS ABSENT: none.

STAFF PRESENT:

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

APPROVAL OF AGENDA:

The agenda was approved as published.

ADMINISTRATOR'S ITEMS:

1. Commissioner Biggs moved for approval of the January 8, 2018 Summary of Proceedings /Motions with the corrections noted. Commissioner Clary seconded the motion. The motion carried unanimously, with Commissioner Gooseff abstaining.
2. Commissioner Hum moved to reopen the record from the January 8, 2018 Regulation #33 rulemaking for the limited purpose of accepting into the record the draft final action documents. Commissioner Biggs seconded the motion. The motion carried unanimously, with Commissioners Gooseff and Menzer abstaining. The record was closed again.

Following discussion, Commissioner Hum moved for final approval of the revisions to Regulation #33, along with accompanying Statement of Basis, Statutory Authority and Purpose in accordance with the final action documents provided in packets with the additional change noted to add the original adoption date to the table. Commissioner Slutsky seconded the motion. The motion carried unanimously, with Commissioners

Gooseff and Menzer abstaining.

COMMISSIONER ITEMS: None.

DIVISION DIRECTOR'S REPORT:

1. Patrick Pfaltzgraff provided an update regarding funding for the Drinking Water Program. He also provided an update regarding federal funding.
2. Patrick provided a staffing update and a legislative update.

ATTORNEY GENERAL'S REPORT:

Jerry Goad provided an update to the commission regarding the water transfers litigation. Jerry noted that the U.S. Supreme Court denied certiorari, therefore the federal water transfers rule remains in effect.

INFORMATIONAL HEARING:

The commission conducted an informational hearing for triennial review of the Chatfield Reservoir Control Regulation, Regulation #73 (5 CCR 1002-73). Comments were received from representatives of the Chatfield Watershed Authority, Chatfield Reservoir Mitigation Company, representatives from other wastewater entities within the Chatfield watershed, and from division staff. Following the close of the hearing, it was agreed that a rulemaking hearing will not be scheduled to consider potential revisions to this rule.

RULEMAKING DELIBERATIONS:

The commission conducted deliberations for a written comment rulemaking for consideration of the adoption of revisions to the On-Site Wastewater Treatment System Regulation, Regulation #43 (5 CCR 1002-43). Following discussion, Commissioner Slutsky moved for final approval of the revisions proposed by the division, along with the accompanying Statement of Basis, Specific Statutory Authority and Purpose, in accordance with the revised version submitted by the division on March 6, 2018. Commissioner Hum seconded the motion. The motion carried unanimously.

INFORMATIONAL BRIEFING:

Metro Wastewater Reclamation District provided an informational briefing regarding their annual report.

INFORMATIONAL BRIEFING:

The Groundwater Protection Advisory Committee provided a briefing regarding its activities.

ADMINISTRATIVE ACTION HEARING:

The commission conducted an administrative action hearing to consider approval of a 2018 Section 305(b) report entitled "Integrated Water Quality Monitoring and Assessment Report". Testimony was received from Scott Garncarz and Lorie Petersen on behalf of the division staff. No public comment was offered. Following the close of the hearing and deliberations, Commissioner Hum moved for approval of the proposed report as circulated in the commission packets with the corrections noted in the division's March 2, 2018 memo, and the additional adjustment requested by the commission. Commissioner Fabisiak seconded the motion. The motion carried unanimously.

WORK SESSION:

Division staff members conducted a work session with commissioners regarding Total Maximum Daily Loads (TMDLs).

WORK SESSION:

Division staff members conducted a work session with commissioners regarding compliance tools (temporary modifications, discharger-specific variances, compliance schedules, etc.).

Approved this 9th day of April, 2018.

Water Quality Control Commission



Trisha Oeth, Administrator