



## COLORADO

Water Quality  
Control Commission

Department of Public Health & Environment

### SUMMARY OF PROCEEDINGS/MOTIONS

May 7, 2018

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

The Colorado Water Quality Control Commission regular meeting was called to order by Commissioner Hum at 9:00 a.m., Monday, May 7, 2018, in the Florence Sabin Conference Room, 4300 Cherry Creek Drive South, Building A, Denver, Colorado 80246.

#### COMMISSION MEMBERS PRESENT:

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

#### COMMISSION MEMBERS ABSENT:

David Baumgarten.

#### 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.

#### INFORMATIONAL HEARING:

The commission conducted an informational hearing for routine review of the Site Location and Design Approval Regulations for Domestic Wastewater Treatment Works, Regulation #22 (5 CCR 1002-22). Comments were received from division staff and interested members of the public. Following the close of the hearing, it was agreed that after a stakeholder process, a rulemaking hearing will be scheduled to consider potential revisions to this regulation.

#### INFORMATIONAL HEARING:

The commission conducted an informational hearing for triennial review of the Graywater Control Regulations, Regulation #86 (5 CCR 1002-86). Comments were received from division staff and interested members of the public. Following the close of the hearing, it was agreed that after a stakeholder process, a rulemaking hearing will be scheduled to consider potential revisions to this regulation.

#### INFORMATIONAL HEARING AND INFORMATIONAL BRIEFING:

The commission conducted an informational hearing for triennial review of the Cherry Creek Control Regulation, Regulation #72 (5 CCR 1002-72) in conjunction with the presentation of the Cherry Creek Basin Water Quality Authority's 2017 annual report. Comments were received from the Cherry Creek Basin Water Quality Authority. Following the close of the hearing, it was agreed that a rulemaking hearing will not be scheduled to consider potential revisions to this regulation, and the next triennial review will be scheduled for 2021.

ADMINISTRATIVE ACTION HEARING:

The commission conducted an administrative action hearing to consider approval of the Water Quality Control Division's proposed submittal of projects for FY 18 Section 319 nonpoint source funds. Testimony was received from Tammy Allen and Christa Trendle on behalf of the division. No public comment was offered. Following discussion, Commissioner Gooseff moved for approval of the proposed list of nonpoint source projects for FY 18 as circulated in commission packets. Commissioner Greer seconded the motion. The motion carried unanimously.

INFORMATIONAL BRIEFING:

Mike Beck, on behalf of the division, provided an informational briefing regarding the State Revolving Loan Funds Work Plan.

INFORMATIONAL BRIEFING:

Ron Falco, on behalf of the division, and John Rehring and Austa Parker with Carollo Engineers, provided an informational briefing regarding direct potable reuse.

INFORMATIONAL BRIEFING:

Nicole Rowan and Aimee Konowal provided an informational briefing regarding the 10-Year Water Quality Roadmap.

INFORMATIONAL BRIEFING:

Jeff Martin and Brad Monson provided an informational briefing regarding Colorado Environmental Online Services.

ADMINISTRATOR'S ITEMS:

1. Commissioner Biggs moved for approval of the April 9, 2018 Summary of Proceedings /Motions as published. Commissioner Menzer seconded the motion. The motion carried unanimously. Commissioner Clary was not present for this vote.
2. Commissioner Greer moved for final approval of the revisions to Regulation #11, along with accompanying Statement of Basis, Statutory Authority and Purpose, in accordance

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with the final action documents provided in packets. Commissioner Menzer seconded the motion. The motion carried unanimously. Commissioner Clary was not present for this vote.

3. Commissioner Slutsky moved to reopen the record from the April 9, 2018 Regulation #42 rulemaking for the limited purpose of accepting into the record the draft final action documents and comments received on the draft final action documents. Commissioner Biggs seconded the motion. The motion carried unanimously. Commissioner Clary was not present for this vote. The record was closed again.

Following discussion, Commissioner Slutsky moved for final approval of the revisions to Regulation #42, along with accompanying Statement of Basis, Statutory Authority and Purpose, in accordance with the final action documents provided in packets with the additional language as recommended in the division's memo. Commissioner Menzer seconded the motion. The motion carried unanimously. Commissioner Clary was not present for this vote.

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 introduced Carrie Noteboom, who has recently joined the Colorado Attorney General's Office.

Approved this 11<sup>th</sup> day of June, 2018.

Water Quality Control Commission



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Trisha Oeth, Administrator