



COLORADO

Water Quality
Control Commission

Department of Public Health & Environment

SUMMARY OF PROCEEDINGS/MOTIONS

June 11-12, 2018

On June 10, the commission toured the Climax Mine and also visited several water quality restoration sites downstream of Leadville.

On June 11, prior to the regular meeting, the Colorado Water Quality Control Commission met informally with local officials.

The Colorado Water Quality Control Commission regular meeting was called to order by Commissioner Baumgarten at 9:00 a.m., Monday, June 11, 2018, in the Ballroom of the Salida SteamPlant Event Center, 220 W. Sackett, Salida, Colorado 81201.

COMMISSION MEMBERS PRESENT:

David Baumgarten, Barbara Biggs, Joan Card, Jane Clary, Mike Gooseff, Kevin Greer, Rick Hum, Fred Menzer and Troy Waters.

COMMISSION MEMBERS ABSENT: None.

STAFF PRESENT:

Trisha Oeth, Administrator; Nicole Rowan, WQCD Clean Water Program Manager; 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 May 7, 2018 Summary of Proceedings /Motions as published. Commissioner Gooseff seconded the motion. The motion carried unanimously. Commissioners Baumgarten, Card, and Waters abstained.
2. The commission discussed a draft notice and proposal for an October 2018 rulemaking regarding Regulation #61. It was agreed that these documents should be finalized and filed.
3. The administrator discussed with the commission ideas for the agenda for the commission's annual planning work session in September 2018. A draft agenda will be included in the August meeting packets.

COMMISSIONER ITEMS:

1. Commissioner Hum raised concerns about federal actions related to scientific information related to public health risks related to PFCs.

DIVISION DIRECTOR'S REPORT:

1. Nicole Rowan provided an update regarding the division's OCCT determination for Denver Water.
2. Nicole provided a staffing update.

ATTORNEY GENERAL'S REPORT: None.

RULEMAKING HEARING:

Commissioner Baumgarten, as hearing chair, opened a rulemaking hearing for consideration of the adoption of revisions to the Classifications and Numeric Standards for Arkansas River Basin, Regulation #32 (5 CCR 1002-32), and Rio Grande Basin, Regulation #36 (5 CCR 1002-36).

Commissioner Clary disclosed that her firm, Wright Water Engineers has done work for Evraz on matters that could be related to issues raised in this hearing. However, Wright Water Engineers is not currently providing these services, and furthermore Commissioner Clary was not significantly involved in work on these issues and has limited current knowledge regarding these issues. Commissioner Clary also disclosed that she and her firm have done work for the Public Service Company of Colorado on matters unrelated to this hearing. Commissioner Clary believes that she can participate impartially in the hearing.

Commissioner Card disclosed that from the fall of 2013 through January 2017 she held a position as Senior Policy Advisor for EPA Region 8. In that capacity she was a policy advisor and participated in a number of briefings on Colorado water quality standards, but did not have decision-making authority in that role, and believes she can participate impartially in the proceedings.

Commissioner Waters was present for testimony on June 11, but recused himself from the hearing and was not present on June 12.

No concerns regarding potential commission member conflicts or disclosures were raised.

During the morning session of the hearing, testimony was received from the Water Quality Control Division staff and parties to the hearing.

CONTINUATION OF RULEMAKING HEARING:

The Commission continued the rulemaking hearing regarding Regulations #32 and #36. During the afternoon session, testimony was received from parties to the hearing and interested members of the public.

Summary of Motions/Proceedings

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Tuesday, June 12, 2018

COMMISSION MEMBERS PRESENT:

David Baumgarten, Barbara Biggs, Joan Card, Jane Clary, Mike Gooseff, Kevin Greer, Rick Hum, and Fred Menzer.

COMMISSION MEMBERS ABSENT: Troy Waters

STAFF PRESENT:

Trisha Oeth, Administrator; Nicole Rowan, WQCD Clean Water Program Manager; Jerry Goad, Senior Assistant Attorney General; Nancy Horan, Operations Manager for the commission.

CONTINUATION OF RULEMAKING HEARING:

The Commission continued the rulemaking hearing regarding Regulations #32 and #36. Testimony was received from parties to the hearing, interested members of the public and Division staff. Following the close of the record and deliberations, Commissioner Hum moved for preliminary final approval of the proposed revisions to Regulations #32 and #36, along with the accompanying proposed Statement of Basis, Specific Statutory Authority and Purpose, as set forth in Division Exhibits 32-9, 32-10, 36-10 and 36-11 and with the following modifications:

- Division Exhibit F (Errata)
- AF CURE Exhibit 1 (modified segment descriptions)
- Clarifying regulatory language in table for Lower Arkansas 1a to clarify: "for the variance for the City of Pueblo"
- Modify the date for the completion of Las Animas' wetland pilot study from 12/31/2022 to 12/31/2025
- Tri-Lakes Exhibit 4: first additional paragraph only
- WQCD Exhibit G
- PSCo Ex 13: first additional paragraph only
- any typographical errors corrected

Commissioner Greer seconded the motion. The motion carried unanimously. Commissioner Waters was not present for this vote.

Approved this 6th day of August, 2018.

Water Quality Control Commission



Trisha Oeth, Administrator