



COLORADO

Water Quality Control Commission

Department of Public Health & Environment

SUMMARY OF PROCEEDINGS/MOTIONS

August 6, 2018

Prior to the start of the official meeting, the Colorado Water Quality Control Commission met informally with staff in the Permits 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, August 6, 2018, in the Florence Sabin Conference Room, 4300 Cherry Creek Drive South, Building A, Denver, Colorado 80246.

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; 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 with the exception that Administrator's Item D was moved to 9:30.

INFORMATIONAL BRIEFING:

Russ Clayshulte, on behalf of the Bear Creek Watershed Association, provided an informational briefing regarding the Association's 2017 annual report to the Water Quality Control Commission.

ADMINISTRATOR'S ITEMS:

1. Commissioner Hum moved for approval of the June 11-12, 2018 Summary of Proceedings /Motions as published. Commissioner Gooseff seconded the motion. The motion carried unanimously.
2. Commissioner Biggs moved to reopen the record from the June 11-12, 2018 rulemaking regarding Regulations #32 and #36 for the limited purpose of accepting into the record the draft final action documents and comments received on the draft final action documents. Commissioner Gooseff seconded the motion. The motion carried

unanimously. Commissioner Clary moved to close the record. The record was closed again.

Commissioner Card moved for final approval of the proposed revisions to Regulations #32 and #36, along with the accompanying proposed Statement of Basis, Specific Statutory Authority and Purpose, in accordance with the final action documents provided in packets and the additional corrections noted today. Commissioner Clary seconded the motion. The motion carried unanimously. Commissioner Waters abstained.

3. The administrator discussed with the commission that MineWater is not yet ready to move forward with a proposal for a December 2018 rulemaking regarding Regulation #38. Therefore, this rulemaking hearing will be removed from the commission's long range schedule.
4. The commission discussed a draft notice and proposal for a December 2018 rulemaking regarding temporary modifications of water quality standards in Regulations #32 through #38. Commissioner Biggs disclosed that her employer, Roxborough Water and Sanitation District, receives its source water from the same segment as Denver Water and therefore molybdenum levels could impact her employer and therefore she recused herself from this discussion.

Commissioner Menzer disclosed that he previously had executive responsibilities with the Climax Molybdenum Company, although he has been retired from Climax for two years. Commissioner Menzer previously acted in a consulting capacity for various operation matters for the Henderson Mine, however he has not provided any consulting services in approximately one year. Commissioner Menzer's involvement with Climax was unrelated to the subject matter of this hearing. Commissioner Menzer believes he could participate objectively in the hearing, however in an abundance of caution and to avoid any appearance of bias, Commissioner Menzer will recuse himself from this proceeding. This action does not affect Commissioner Menzer's ability to participate in future proceedings involving Climax where no actual or apparent conflict is present.

Representatives of Denver Water, Climax, and the Division provided comments to the commission. Following discussion, Commissioner Hum moved that the commission determine that Denver Water's proposal to modify the temporary modification on Blue River segment 14 is not ripe for inclusion in the December rulemaking hearing for temporary modifications and that it not be included in the scope of this rulemaking hearing. Commissioner Waters seconded the motion. The motion carried unanimously. It was agreed that these documents should be finalized and filed in accordance with this decision.

5. The administrator and Commissioners Biggs, Card and Waters provided feedback from the Water Quality Forum retreat.

6. The administrator discussed with the commission the draft agenda for the commission's annual planning work session in September 2018.

COMMISSIONER ITEMS:

1. The Commissioners thanked Nancy Horan for her years of service with the commission and wished her well with her new position with the division as the liaison to the Water and Wastewater Facility Operators Certification Board.

DIVISION DIRECTOR'S REPORT:

1. Patrick Pfaltzgraff provided an update regarding the division's OCCT determination for Denver Water and the upcoming stakeholder efforts.
2. Patrick provided an update regarding PFCs.
3. Patrick provided budget and staffing updates.

ATTORNEY GENERAL'S REPORT: None.

RULEMAKING HEARING:

Commissioner Biggs, as hearing chair, opened a rulemaking hearing for consideration of the adoption of revisions to Reclaimed Water Control Regulation, Regulation #84 (5 CCR 1002-84), and Rio Grande Basin, Regulation #36 (5 CCR 1002-36).

Commissioner Clary disclosed that she has done work for the City and County of Denver and the City of Boulder on matters unrelated to the hearing, and her firm is currently working for LivWell on matters unrelated to this hearing. Ms. Clary has not been involved with this work and believes that she is able to participate impartially in the hearing.

Commissioner Card noted that she provides legal services to the City of Aurora on matters unrelated to this hearing. Ms. Card believes she can participate impartially in the hearing.

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

Following the close of the record and deliberations, Commissioner Hum moved for preliminary final approval of the proposed revisions to Regulation #84, along with the accompanying proposed Statement of Basis, Specific Statutory Authority and Purpose, as set forth in the Denver Water and Water Quality Control Division consolidated proposal and as modified by Denver Water's Exhibit 34, and with additional statement of basis and purpose regarding chlorine residual maximums as discussed during deliberations. Commissioner Baumgarten seconded the motion. The motion carried unanimously.

Summary of Motions/Proceedings

August 6, 2018

Page 4 of 4

Approved this 9th day of October, 2018.

Water Quality Control Commission

A handwritten signature in dark ink, appearing to read "Trisha Oeth", written in a cursive style.

Trisha Oeth, Administrator