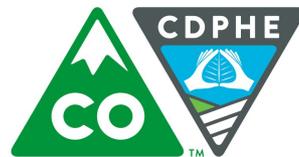


Regulation 85

Phase 2 Subcommittee

November 21, 2016



COLORADO
Department of Public
Health & Environment

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Recap from Stakeholder Meeting #1

- Except for chlorophyll *a*, a delay will likely be necessary as it is unlikely that TN and TP numbers will be updated and approved by 2022.
- Leave 31.17 May 31, 2022 date alone and rely on “will be considered” and “where necessary” language in 31.17(g)?
- Develop nutrient reduction strategy and incorporate standards revision and implementation as part of strategy (consistent w/ Beauvais memo)?
- Chlorophyll *a* - do we move forward after 2022?
- Do nothing?
- Delayed implementation of Phase 2 as currently envisioned?

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Recap from Stakeholder Meeting #1 continued

- More stringent effluent limitations for facilities currently subject to Regulation #85?
 - Drinking water protection?
- Identify more critical areas of the state protect and expand regulation coverage and then phase/delay based on this information?
 - Harmful Algae Blooms/Lakes?
- Monitoring to support standards development?
- Nonpoint sources?

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Interests Discussion

- Certainty on when facility improvements may be required
- Fiscal responsibility/funding constraints
- Progress on nutrient reductions
- Integrated planning
- Ability to measure progress
- What is the end goal/when are we finished
- Approvable standards
- Promote optimization
- Forward progress
- Protect classified uses
- Headwaters protection

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Regulation 85 as Originally Envisioned



- Regulation 85 Numeric Limits for Priority Basins effective, July 1, 2013
- Triennial Review, October 2015
- Start adoption of Interim Nitrogen Values to headwater segments, May 31, 2017

- Delayed implementation of Regulation 85 expires, May 31, 2022
- Start adoption of Regulation 31 Interim Values to all stream segments, May 31, 2022
- Determine if nonpoint source control measures are needed, May 31, 2022

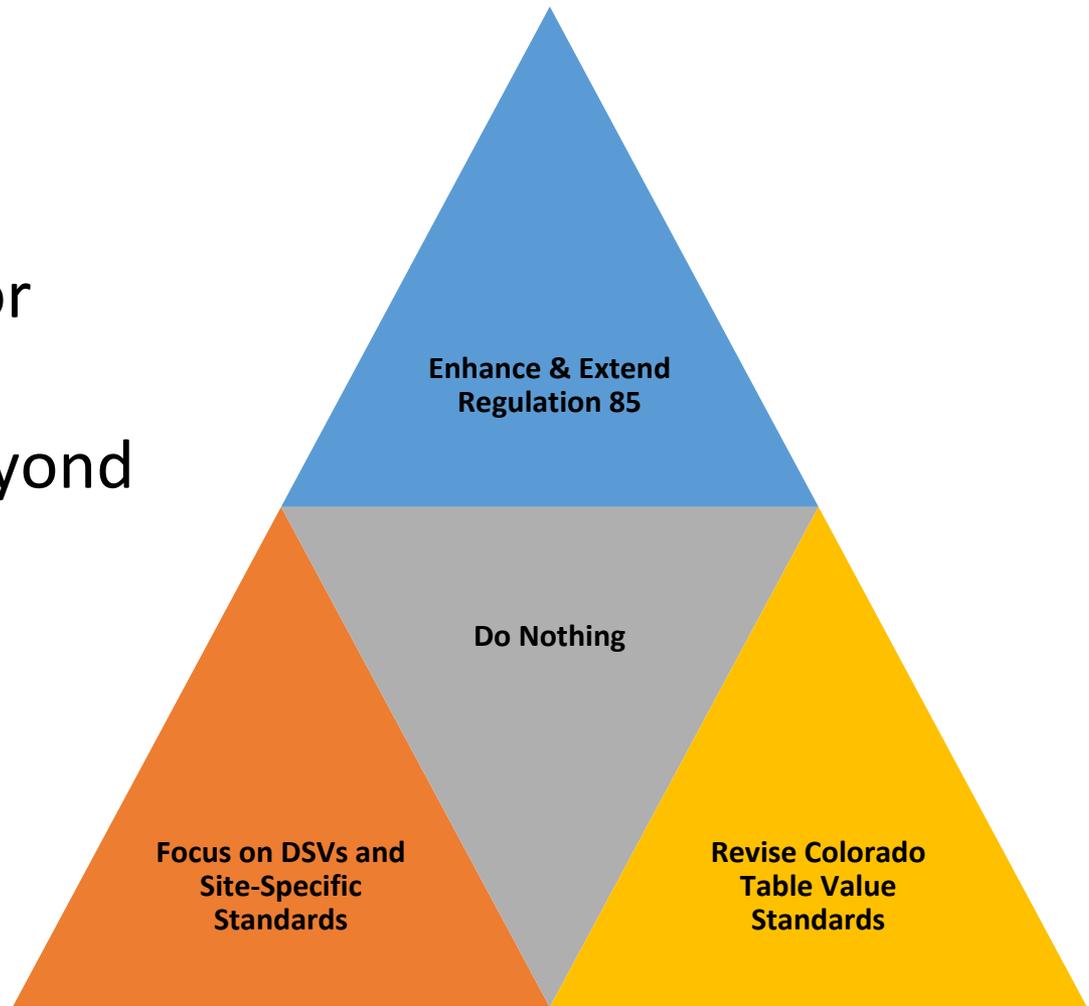


Now Problematic

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Potential options for
October 2017
Rulemaking and beyond

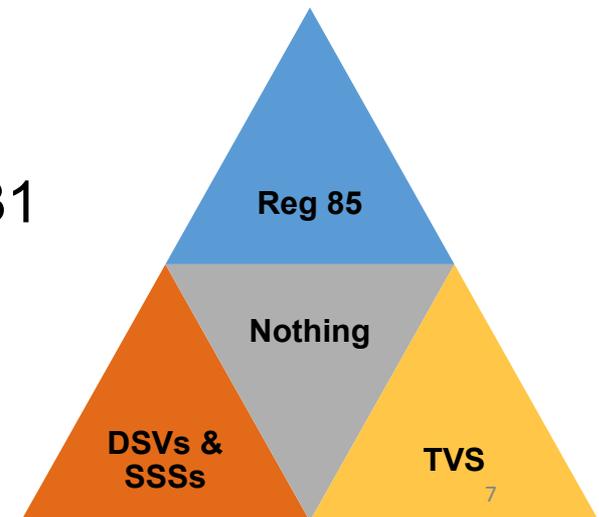


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Enhance & Extend Regulation 85

- Adjust dates towards full implementation
- Revise nitrogen values to protect drinking water
- Consider applying tech-based effluent limits to more watersheds and medium sized facilities, informed by SWAT model
- Develop a system to prioritize and/or incentivize treatment plant optimization (design capacity)
- Delay or rescind unapproved Regulation 31 Interim Nutrient Values (streams)
- Revised monitoring program

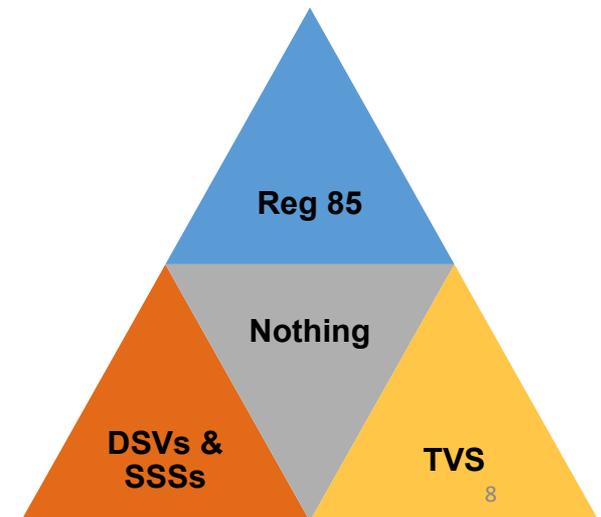


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Focus on DSVs & Site-Specific Standards

- Propose approvable standards [EPA Ecoregion Values, Montana approach, or other]
- Focus on providing guidance and assistance for sector-based DSVs and Site Specific Standards
- Develop tools for individual DSVs
 - Financial capability tool
 - Technical feasibility tool
- Revised monitoring program

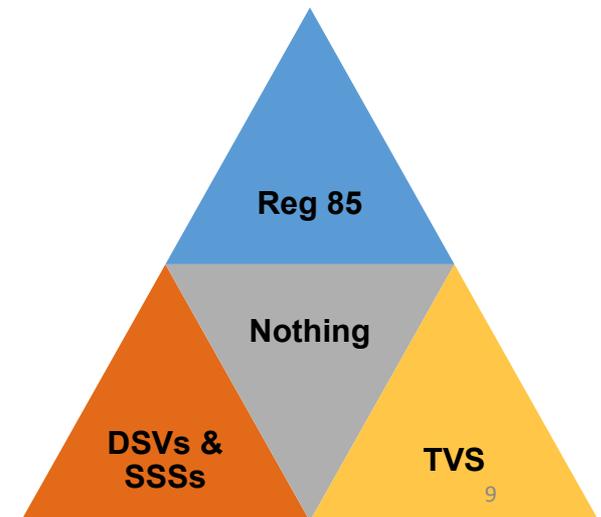


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Refine Colorado Table Value Standards

- Focus on revising or re-doing the Interim Nutrient Values, with the exception of chlorophyll a
- Regulation 85 continues as is until 2022
- DSVs and Site-Specific Standards would be driven by CDPS permit holders
- WQCD priorities shift considerably
- Revised monitoring program

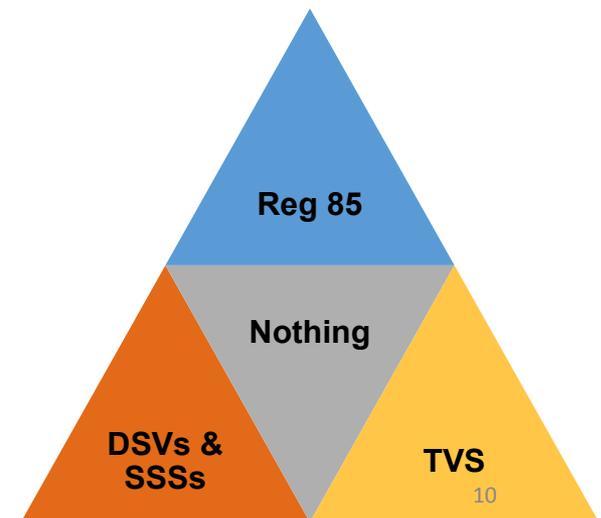


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Do Nothing

- Risk of EPA disapprovals
- Less planning certainty
- Human sacrifice, dogs and cats living together, mass hysteria



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Discussion

Next Steps

- Feedback to WQCD
 - Options from WQCD
 - Other options?
 - Thoughts on treatment plant optimization
 - Disadvantaged communities
- Is another subcommittee meeting needed? (December 13?)
- Stakeholder Meeting #2 Report-Out
 - January 12, 2017

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