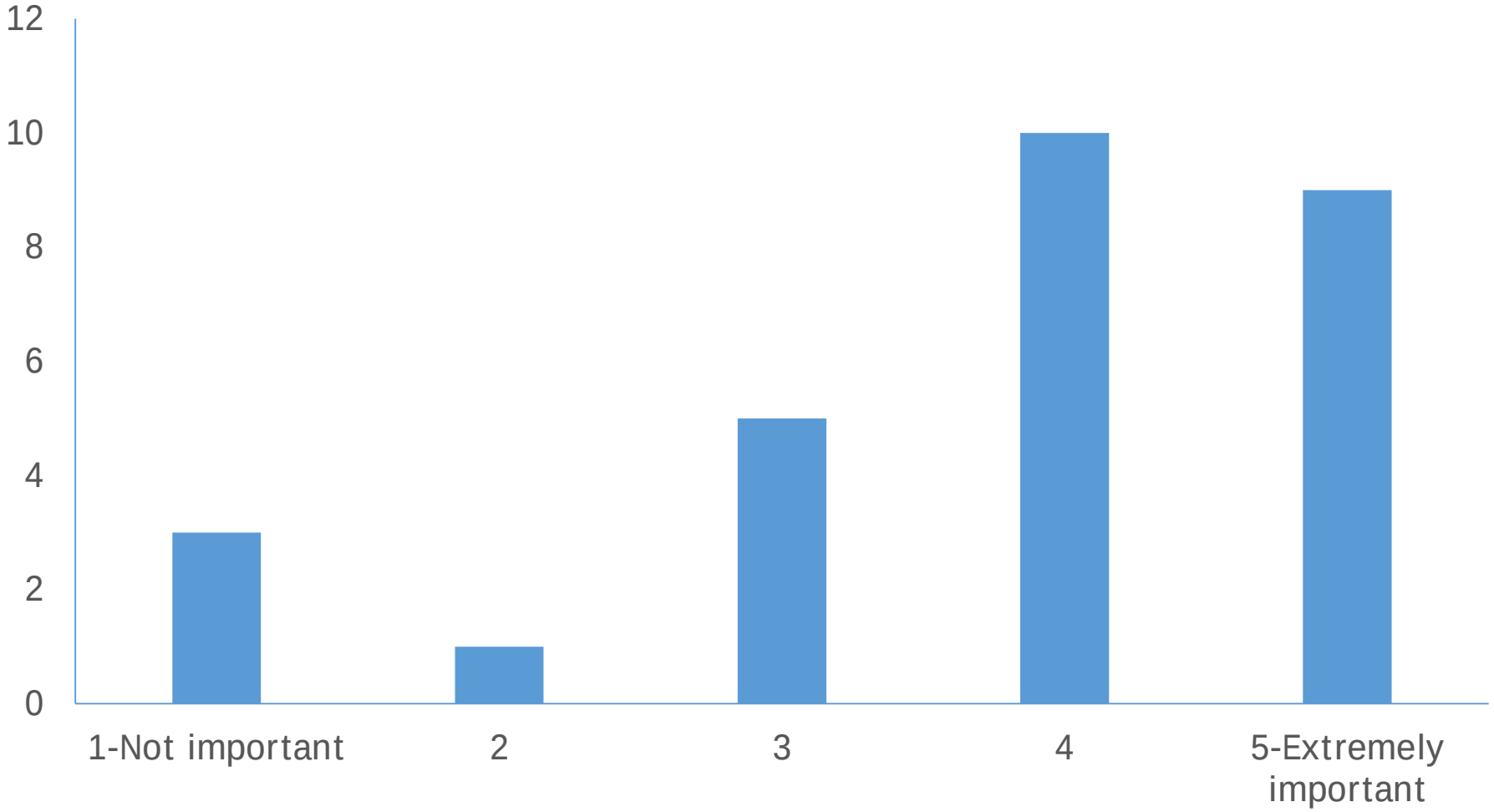
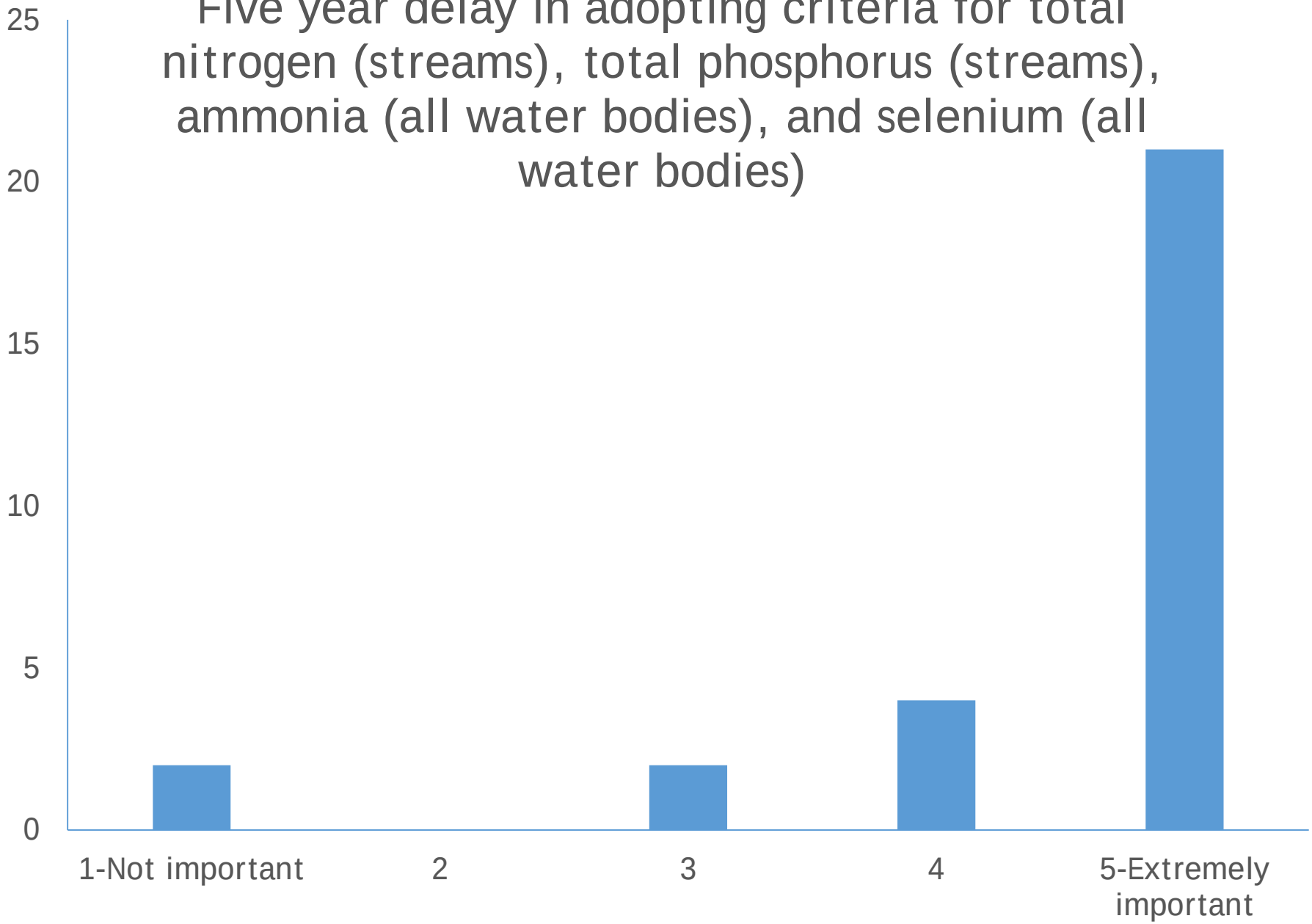
Nutrients Phase 2 Subcommittee

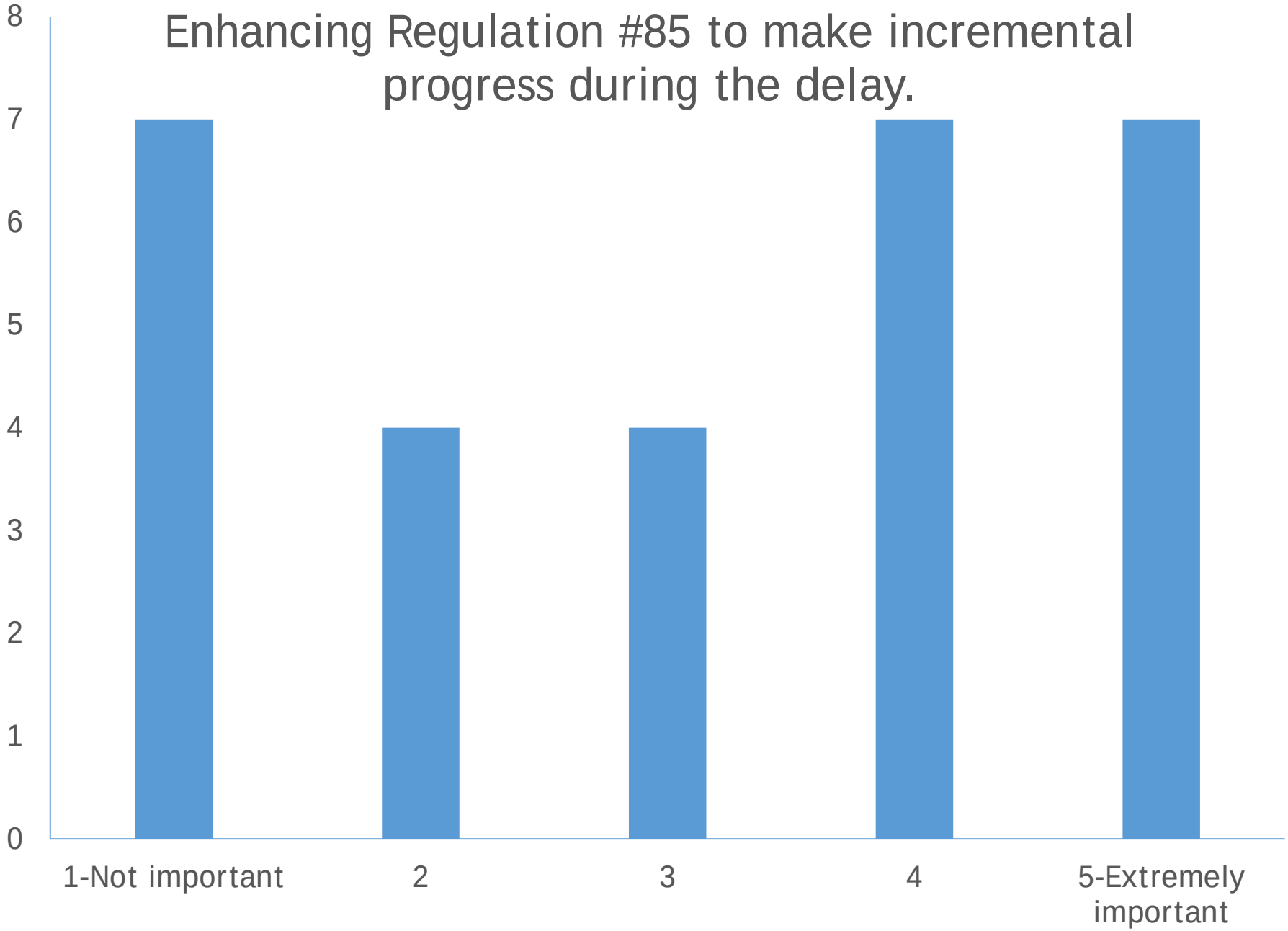
February 13, 2017

Developing criteria for total nitrogen (streams), total phosphorus (streams), ammonia (all waterbodies) and selenium (all waterbodies) concurrently.

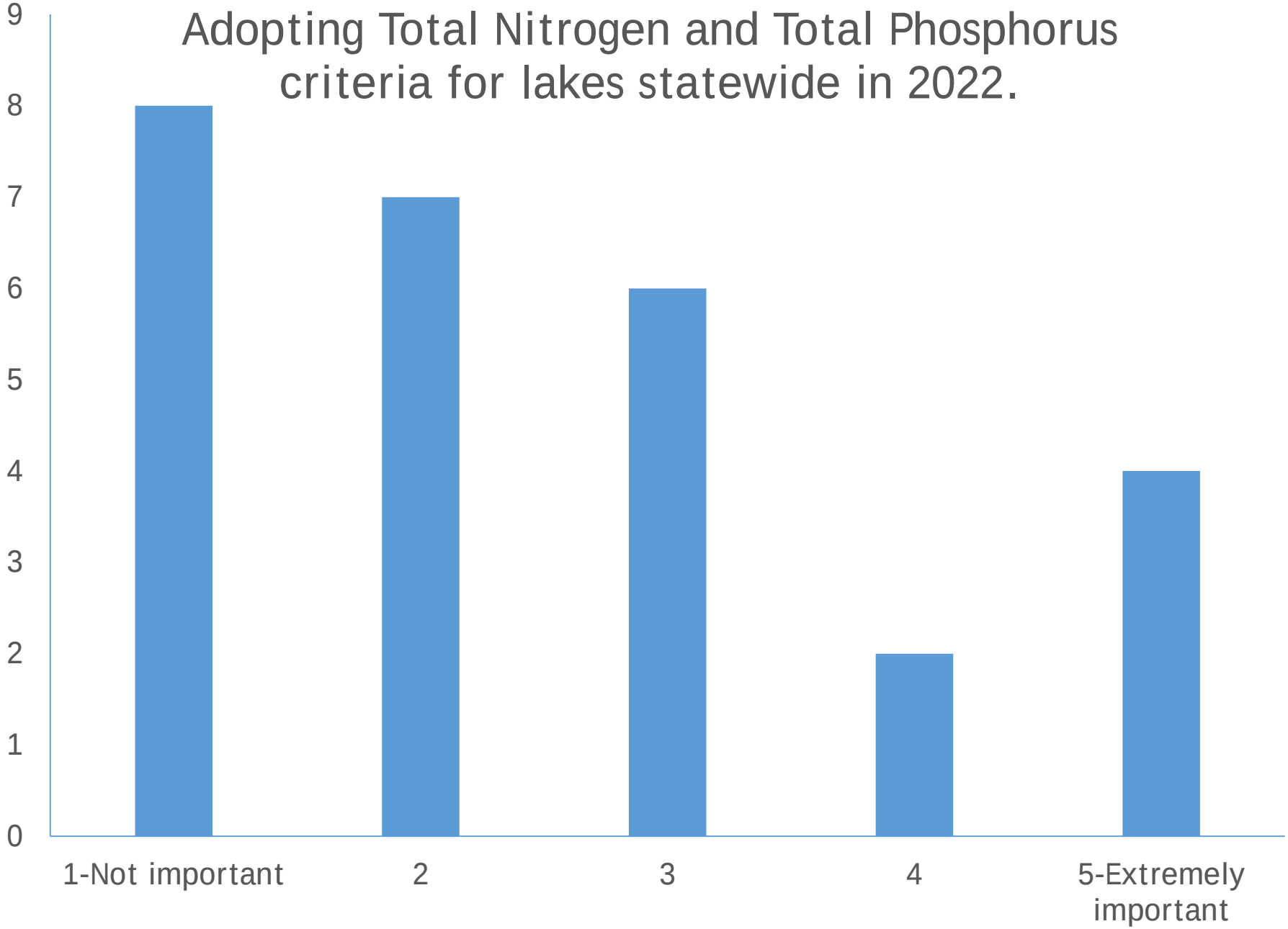


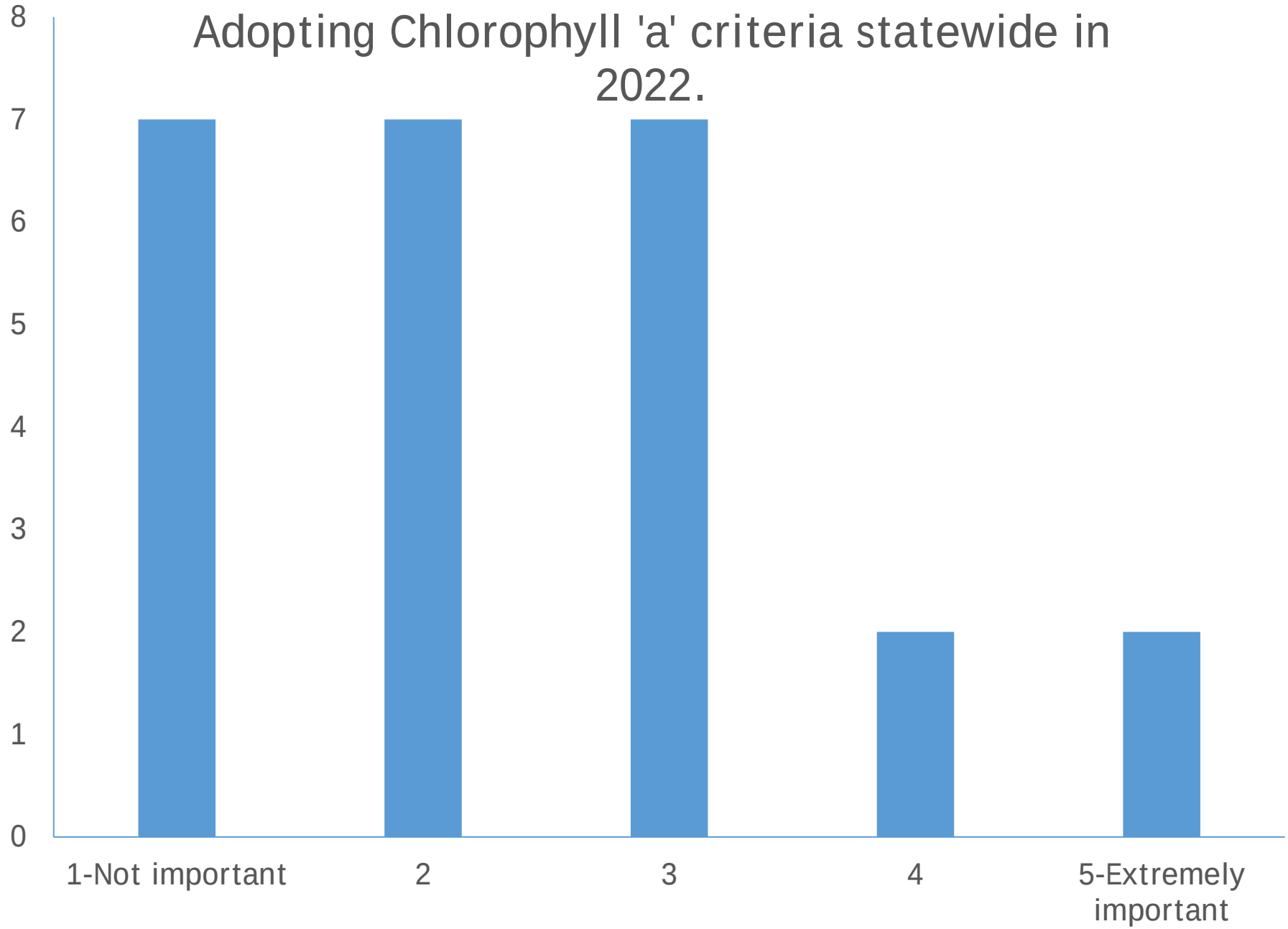

Five year delay in adopting criteria for total nitrogen (streams), total phosphorus (streams), ammonia (all water bodies), and selenium (all water bodies)
25
20
15
10
5
0
1-Not important
2
3
4
5-Extremely important

Enhancing Regulation #85 to make incremental progress during the delay.

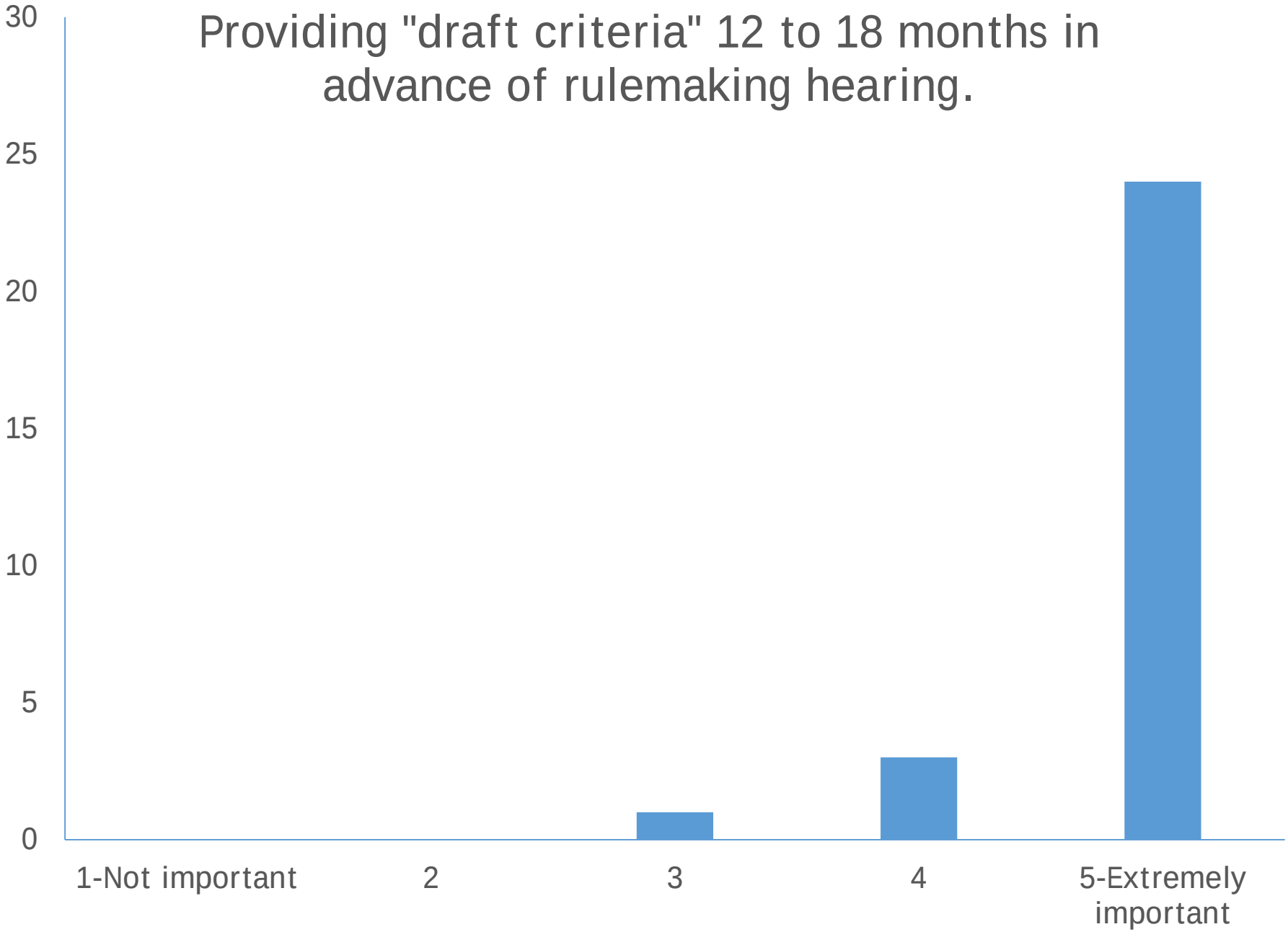


Adopting Total Nitrogen and Total Phosphorus criteria for lakes statewide in 2022.

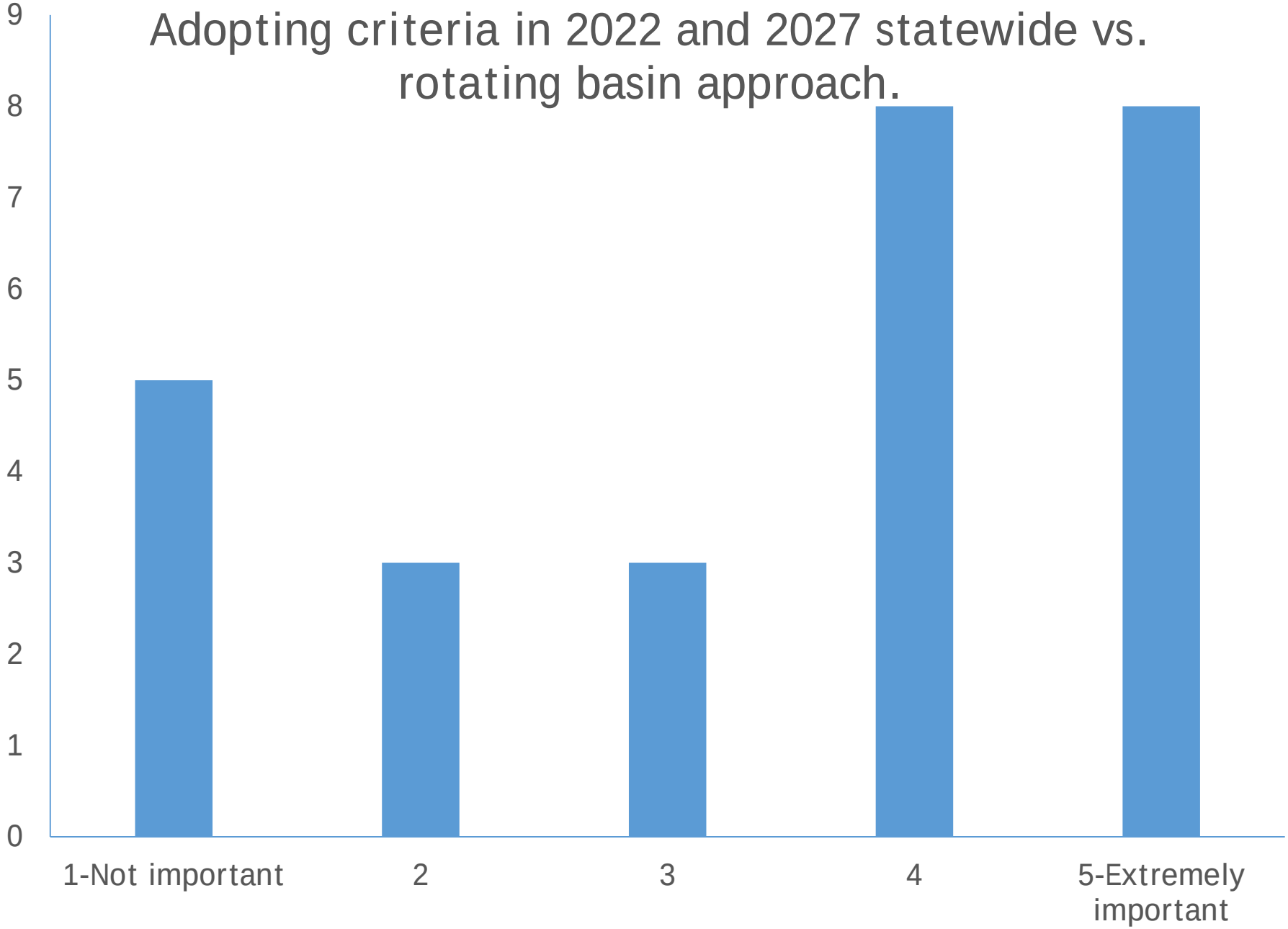



Adopting Chlorophyll 'a' criteria statewide in 2022.
8
7
6
5
4
3
2
1
0
1-Not important
2
3
4
5-Extremely important

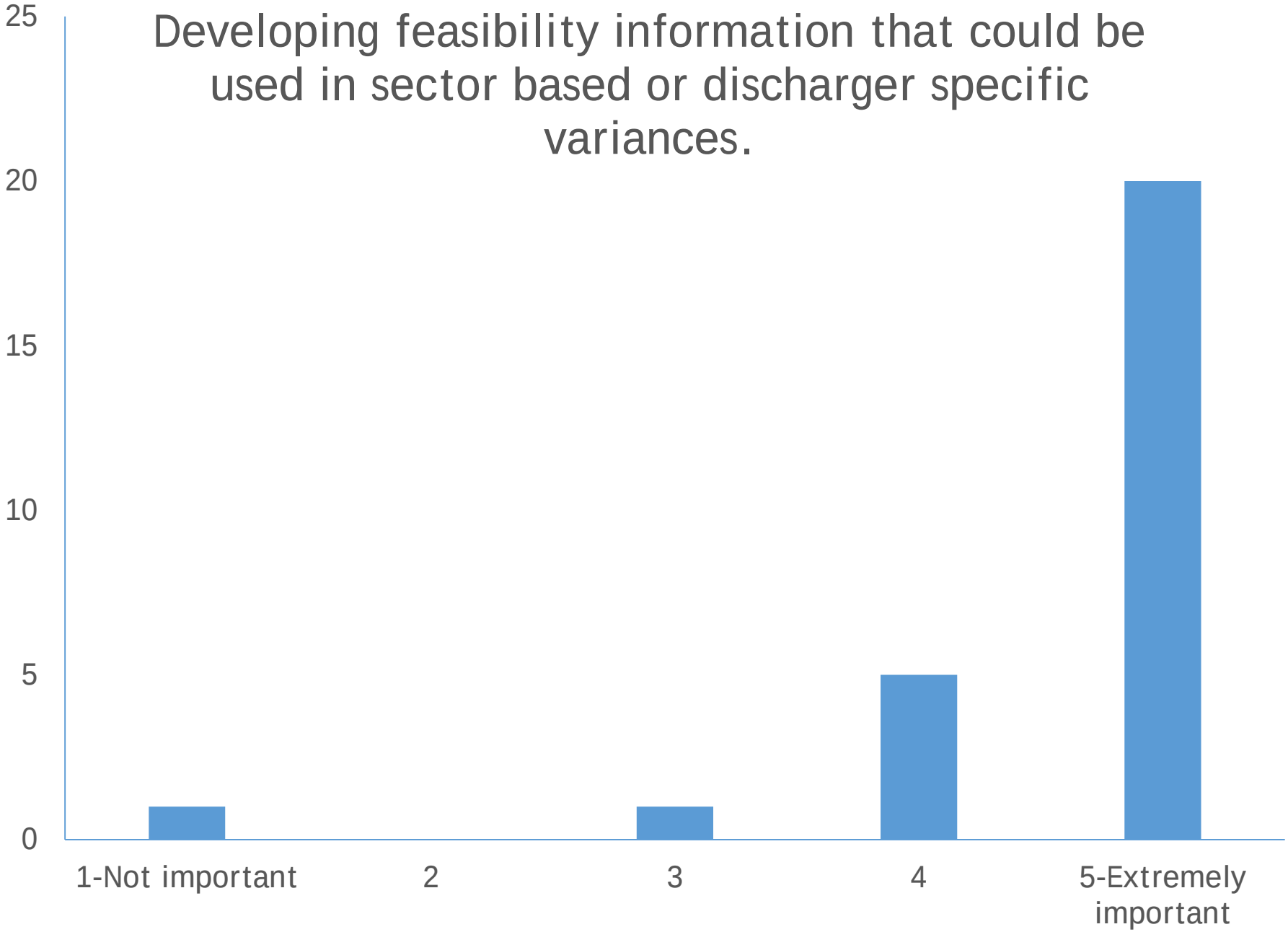
Providing "draft criteria" 12 to 18 months in advance of rulemaking hearing.



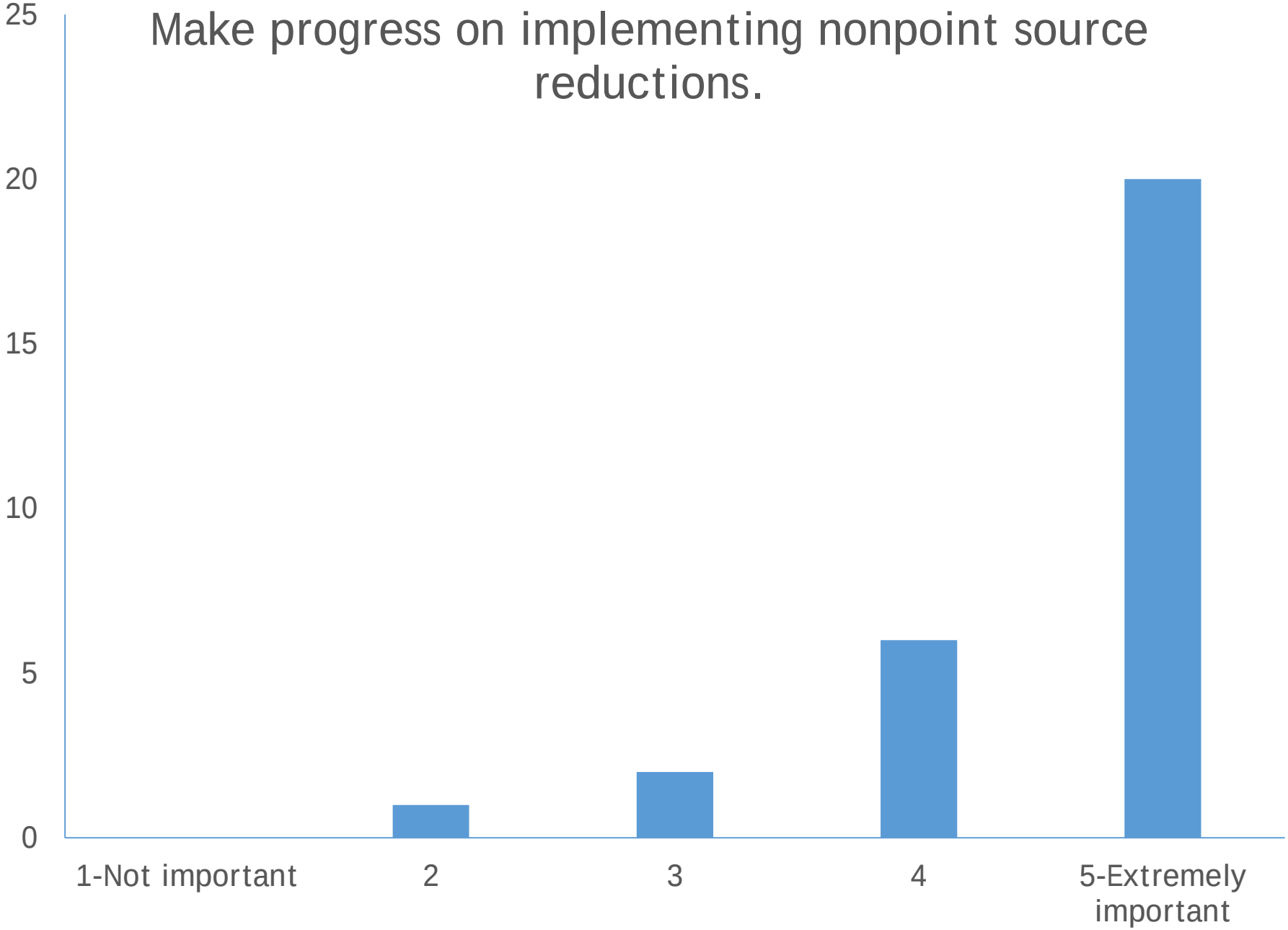
Adopting criteria in 2022 and 2027 statewide vs. rotating basin approach.



Developing feasibility information that could be used in sector based or discharger specific variances.



Make progress on implementing nonpoint source reductions.



What additional progress are the facilities currently subject to Regulation #85 effluent limits able to make? Ideas on the table so far:

- Reduce TIN from 15 to 10. While some facilities would be able to meet 10, others would not without significant capital expenditure. WQCD agrees not to move forward with this option at this time.
- Reduce TIN from 15 to 12 or 13?
- Modify statistical period?
- Delay any change to TIN limit to 2022?
- Please submit comments on these ideas (EXCEPT for reducing TIN to 10, since that's no longer on the table) by 2/17.

Which facilities should be brought into Regulation #85?

- Need to table this discussion until March to allow discussion to be informed by data and analysis showing how much load reduction would be associated.

If we take the toolbox approach for facilities brought into Regulation #85 - need to flesh out details on load cap (125%) and percent reduction approach (30%).

- Questions about these?
- Please submit comments on load cap and percent reduction by 2/17.

If we add provisions to incentivize progress, need to flesh out details on optimization plans and source reduction.

- What is meant by optimization?
  - Changes under this approach are only intended to be refinements to the wastewater treatment system already in place. Optimizations (i) should only address changes to facility operation and maintenance and should not be structural changes; (ii) should not result in rate increases or substantial investment; (iii) must result in genuine reduction and not the appearance of reduction by taking advantage of design capacity.
- Submit comments on optimization and source reduction incentive ideas by 2/17.

How to incentivize trading?

- Facilities that conduct a trade by 2022 would be eligible for a waiver from WQBELs for up to 10 years, depending on the extent of the reduction realized through the trade.

Should we add an incentive for large facilities to assist small facilities in making reductions? Should we consider incentives for operators with high level certification assisting/providing training to lower level operators, such as TU credits or otherwise?

- Please submit comments on this idea by 2/17.

Specifically what monitoring should be added to help with development of Colorado specific standards (and can any monitoring requirements be removed)? Ideas on the table so far:

- Add chlorophyll a monitoring requirements. WQCD working with TetraTech to provide info re data that would inform future criteria development and fill data gaps. Expect to have memo from TT in May, in time to inform WQCD proposal submitted to WQCC. Will discuss with work group in May.
- Increase monitoring frequencies
- Add monitoring requirements for DO and pH
- Basin approach
- Data re cloud cover
- Please submit comments on which monitoring should be added/removed by 2/17.

What happens with facilities subject to nutrient control regulations or TMDLs?

- WQCD proposing to extend delay for these facilities (including those subject to the Barr-Milton TMDL) from 2022 to 2027.

Certainty regarding implementation of nitrogen and phosphorus lakes standards after 2022.

- Many concerns expressed about (i) the impact to effluent limits for discharges upstream of lakes and reservoirs; and (ii) the importance of having an opportunity for sufficient review of site specific circumstances in kind with what happens with the basin rollout approach (this concern was expressed in relation to standards for lakes in 2022 as well as in streams in 2027).

Certainty regarding implementation of nitrogen and phosphorus lakes standards after 2022.

- In response to the concern in (i) [the impact to effluent limits for discharges upstream of lakes and reservoirs]- WQCD is now proposing a modified approach: 2022-2027: adopt nitrogen, phosphorus, and chlorophyll a standards to lakes and reservoirs (i) above dischargers; (ii) below dischargers to DUWS reservoirs; and (iii) below dischargers in areas with high recreational use in order to protect areas vulnerable to HABs impacts (ie, swim beaches).

Certainty regarding implementation of nitrogen and phosphorus lakes standards after 2022.

- In response to the concern in (ii) [the importance of having an opportunity for sufficient review of site specific circumstances in kind with what happens with the basin rollout approach-this concern expressed both for 2022 and 2027]- Responses to survey show overwhelmingly strong support for feasibility study from 2022-2027. Only way this is possible is if WQCD is not expending large amount of resource on site specific review in the basins during this time. Believe the same amount of site specific review will occur, the time/resource will just be invested up front (in 2022 and 2027), rather than spread throughout 5 years.

Certainty regarding implementation of nitrogen and phosphorus lakes standards after 2022.

- Please submit comments on WQCD's modified approach for lakes and reservoir standards, as well as the adoption of standards in the basins at same time as Reg 31 vs basin rollout approach, by 2/17.

Is the amount of outreach and work groups outlined on the roadmap sufficient and appropriately timed?

- Please feel free to submit comments by 2/17, but we can continue to discuss appropriate stakeholder involvement over the coming year.

Do we need a write-up that documents our current nutrients reduction approach and how it satisfies the elements outlined in the Beauvais memo?

- WQCD agrees there is benefit in having the plan documented and will work towards this during this effort.

Topics we would appreciate your input on (will send out another survey):

- Ideas for progress for facilities currently subject to Reg #85;
- Should we include provisions for facilities brought into Reg #85 the ability to either meet Reg #85 limits or a load cap or percent reduction approach, whichever is less stringent.
- The incentive ideas: including optimization, source reduction plans, large facilities or operators helping smaller facilities or operators, and trading.
- What monitoring to require in order to facility criteria development.
- Extending delay for facilities subject to Control Regulations or TMDLs by 5 additional years.
- Division's modified approach for implementation of lakes and reservoirs standards from 2022-2027 (only above dischargers, in DUWS reservoirs, and lakes/reservoirs with swim beaches).
- Implementing in all basins at once in order to free up resource to do feasibility studies.
- Is the amount of outreach and stakeholder meetings appropriate.


QUESTIONS AND DISCUSSION